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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION OF  
HAKEA PRISON



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

Office of the Inspector of Custodial Services  
Level 27, 197 St George's Terrace, Perth WA 6000

[www.custodialinspector.wa.gov.au](http://www.custodialinspector.wa.gov.au)

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# Inspector's Overview

## SOME IMPROVEMENT AT HAKEA IN DIFFICULT CONDITIONS, BUT SOME FRAGILITY REMAINS

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Hakea is the most complex of all the Prison Service institutions. This complexity arises from the nature of its population mix and also from the scale of the operations. The prison is the premier male remand facility and also the receipt centre for newly sentenced prisoners undergoing assessment and classifications. The nature of its work reaches far beyond its metropolitan location both in terms of policy setting as well as direct service to prisoners transferred from regional areas.

Unsentenced people in custody are a high need cohort that require welfare and legal services, and newly sentenced offenders are a closely associated cohort with uncertain prison destinies. For some time this Office has held the view that these two groups do not have antagonistic interests and could be managed as one homogeneous population. Hakea Prison was established for just such a purpose.

At the time of the inspection in October 2006 the population was approximately 670, of which two-thirds were unsentenced. This demand pressure reflects unabated developments within the wider criminal justice system that directly impacted on the operations at Hakea Prison. Between 2004 and 2006 there had been a rapid increase in the remand prisoner population, amounting to 34 per cent. By August 2007 there were 720 prisoners in the prison of which 70 per cent were unsentenced. So the situation has not improved, and it would appear that the trend is getting worse.

There is significant overcrowding in the total prison system at this time, and the population forecast by the Department is that a further 300 temporary bed spaces are required to cater for a surge expected during 2008. Hakea Prison is one of the sites selected to provide additional accommodation. This is likely to increase the risk of service deterioration or even failure for a high-needs population. At the time of the inspection the prison management team reported that there were approximately 125 prisoner movements per day amounting to about 30,000 per year, with about 70 or 80 new arrivals per week. Understanding these statistics should better inform the nature of operational complexity rather than the focus being just on the daily average population level.

The inspection found that the prisoner profile was markedly different from the full inspection in 2002 or the thematic review of prison deaths conducted here in 2003. A large number of new receipts are known to have recently been involved in the use of methamphetamines (ice). These prisoners are unstable, sometimes psychotic in their behaviour, and require high maintenance. It was estimated that 40 per cent of new admissions have a history of intravenous drug use in the three months prior to their admission, thus making the prisoner population much more complex to manage.

The prison performance with regard to suicide and self-harm had strengthened since the previous inspections for which the staff were congratulated at the Inspection Exit Debrief. But even then the survey instrument we used for measuring the quality of prison life (MPQL) revealed that the levels of distress experienced by prisoners upon first being admitted to the prison were extraordinarily high. In this situation the quality of prisoner/staff relations is critically important, but we found pockets of attitudinal issues that need attention.

## SOME IMPROVEMENT AT HAKEA IN DIFFICULT CONDITIONS, BUT SOME FRAGILITY REMAINS

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Following the inspection the Department was presented with a confidential security assessment relating to the prison and subsequent commitments were made to improve a range of identified deficits. Hakea Prison is a maximum security prison for good reason, but the inspection found some gaps in the security infrastructure and operations.

Hakea Prison is undergoing a significant change of leadership with the recent selection and appointment of a Superintendent from outside the Western Australian Prison Service. Other senior management positions are also progressively being filled, including key positions in health and offender services. The inspection found morale amongst staff to be low, and management instability was a contributing factor to the fragility of the prison operations. A competent and unified management team is essential to the prison if it is to survive the future challenges that will inevitably confront it in the coming year or so.

The team assembled for this inspection was necessarily quite large and included the usual range of expert advisers drawn from other Government agencies to complement staff from our Office. In addition, two external consultants were retained to provide specialist advice. I would like to acknowledge the contributions made by Professor Jim Ogloff from Forensicare Victoria who assisted with the examination of the assessment system and Professor Alison Leibling from the Prison Research Centre at the University of Cambridge who assisted with the adaptation and application of the MPQL prisoner and staff surveys.

The overall performance of Hakea Prison had improved since the previous inspections, but the progress made is tenuous and a variety of circumstances could cause a set back.

Richard Harding  
Inspector of Custodial Services  
20 August 2007

# Chapter 1

## HAKEA PRISON IN A TIME OF CHANGE

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### THE PRISON AS A DYNAMIC SYSTEM

- 1.1 At the time of this inspection in October 2006, Hakea was quite different to the institution first inspected in 2002, and the institution reviewed in 2003 in relation to deaths in custody. The history of the prison commenced in 1998 when the Department of Corrective Services<sup>1</sup> ('the Department') decided to amalgamate two contiguous prisons with quite different operational purposes and cultures to create the remand, receipt and assessment facility. By 2002 the prison's performance had not developed to a satisfactory standard. The Inspectorate called for a comprehensive change management strategy to remove impediments so that the new core purposes could establish and develop. The 2003 review specifically examined operations associated with the welfare of prisoners. It found that the discrepancy between the allocated budget and operational costs had led to further strain and disharmony that had impacted upon prisoner welfare.<sup>2</sup> The totality of services and systems were found to be chaotic and uncoordinated.<sup>3</sup>
- 1.2 Prisons are sometimes presumed to be relatively static systems in that the work is simple – administering the orders of courts through established operational policies and standing orders. This view typically focuses on preventing escape and disorder and providing decent conditions. However, this traditional view has had to change for several reasons. Complex sub-populations have developed within the prisoner group, whose vulnerability imposed the need for different correctional approaches with a wider mix and diversity of staff.<sup>4</sup> The high turnover of the prison population at Hakea also created a different dynamic compared to the more settled population of many of the state's other prisons.
- 1.3 Hakea has also been impacted by current and future developments within the justice system, which it does not control. Changes in court practices and releasing authorities' policies and practices have had implications for the operations of the prison. Hakea is in many ways a barometer of correctional developments across the state. It is the first to be affected by increased custodial demands and placement limitations at other overcrowded prison facilities. The prison is required to manage its own routine operations as well as plan for system-wide developments, such as changes to classification tools. In this regard, the prison's relationship with the Department's policy and planning unit has also been a part of Hakea's performance failure or success.

### THE REMAND POPULATION IN WESTERN AUSTRALIA

- 1.4 In May 2006 the Australian Institute of Criminology published a study on critical factors and key issues relating to the function of remanding defendants in custody. The study examined the differences between Victoria (which has a comparatively low remand rate) and South Australia (which has a comparatively high remand rate). Factors associated with increased remand rates included increasing levels of drug and mental health issues, and the

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1 At that time called the Department of Justice

2 Office of the Inspector of Custodial Services (OICS), *The Diminishing Quality of Prisoner Life: Deaths at Hakea Prison 2001–2003*, Report No. 22 (March 2004) 26.

3 *Ibid.*, 49.

4 That is, not just the traditional uniformed prison officer.

informal and formal rules that influence police, police custody sergeants and court bail authorities in their decisions to grant bail.

- 1.5 In Western Australia the remand population at Hakea climbed steeply over the past decade. Between 1999 and 2000 the population increased from 172 to 266.<sup>5</sup> In mid-2004 it reached around 330 before dropping to 250 by the end of that year. It then rose dramatically to about 370 in the beginning of 2005. At 30 June 2006 Hakea accommodated 658 prisoners. Of these 431 (65.5%) were unsentenced.<sup>6</sup> The figures showed erratic patterns of demand pressures that were associated with the wider criminal justice system, while reflecting an overall increase in Hakea's population.
- 1.6 The Department researched the state trend in remand prisoner population<sup>7</sup> and found a 34 per cent increase in the number of prisoners held on remand between 31 August 2004 and 31 August 2006. This constituted 18 per cent of the State-wide prisoner population, remembering that at any given time about 25 – 30 per cent of remand prisoners are held in Regional prisons or the main women's prison at Bandyup. The annual average cost of remand prisoners, working off the average per diem cost per prisoner, is of the order of \$56 million. Consistent with the national review conducted by the Australian Institute of Criminology, the volatility of the remand prisoner population was attributed to factors such as the level of crime, seasonal variations and changing general population demographics, changing legislation, the extent of police enforcement and court backlogs. The result was a significant increase in the length of time each remandee spent in prison, with an average growth in length of stay of approximately 8 per cent, resulting in a 25 per cent increase of beds required.<sup>8</sup> This increase has been directly attributed to court delays and the unwillingness of magistrates and police to grant bail. The average length of time a prisoner remained on remand in Western Australia was 97 days, and those awaiting sentencing by the courts was 88 days.<sup>9</sup> There was also a number who stayed for a few hours up to three months.

#### PRISONER DEMOGRAPHICS AT HAKEA

- 1.7 In recent years, Hakea received around 4,200 admissions each year, of which around 2,880 were received on remand. It was the first time in an adult prison for almost half of all remandees. Of the admissions, 1,900 were released to freedom without conviction or having been sentenced to such a short term of imprisonment that it was completed by their remand period. The remaining 2,300 received a custodial sentence, which meant that the prison system had to find places for around 44 newly sentenced prisoners from Hakea each week.
- 1.8 At any given time around two-thirds of the prisoners held at Hakea were on remand. For those

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5 Department of Justice, *Hakea Prison Development Strategy Study* (May 2001) 12.

6 From pre-inspection documentation provided by the Department of Corrective Services.

7 D'Mello, I, *Remand Prisoner Population Increase* (Department of Corrective Services: Policy, Planning and Review, 27 Sept 2006).

8 *Ibid.*, 4.

9 *Ibid.*



who went on to be sentenced, their assessment and placement usually took around three months to effect. This meant that a prisoner remanded to Hakea and then sentenced, would be there for an average of six months.

- 1.9 These population pressures gave rise to three main issues that impacted on prisoner management and in particular on the management of prisoners with vulnerabilities. Firstly, the sheer volume of prisoners coming into and out of the prison added complexity to management. Secondly, the need to continually move prisoners out to other prisons exacerbated this. The third aspect was that the ability to move prisoners around internally for management and well-being purposes was limited as Hakea's population exceeded design capacity on a regular basis.
- 1.10 At the time of the 2006 inspection:
- Robbery related offences accounted for 32 per cent of the population, followed by various offences against the person (assault, murder, indecent or sexual assault). Drug related offences were also common as were various motor related offences.
  - About 50 per cent of the population was rated maximum-security, with a small number (about 25) rated as minimum-security. The remainder were rated medium-security.
  - The average age of the prisoners was 32 years, with the youngest 18 and the oldest 78. Sixteen per cent of prisoners were aged less than 25 years and seven per cent aged older than 50 years. Sentenced prisoners tended to average a year older than unsentenced prisoners.
  - Almost half of all prisoners at Hakea were in prison for the first time (49%). The average age of individuals in prison for the first time was 30.8 years compared to 33.2 for those who had previous prison terms.
  - Between a quarter and a third of Aboriginal prisoners were in prison for the first time compared to a little over half of non-Aboriginal prisoners.
  - A high number of prisoners had drug dependencies and associated mental health disorders. Approximately 40 per cent of new admissions had a history of intravenous drug use in the three months prior to admission.<sup>10</sup>
  - The protection unit was accommodating 85 prisoners (with a small number of overflow in Unit 1), with a significant number of prisoners identified as 'vulnerable' being accommodated in Unit 8.<sup>11</sup> These prisoners, although 'vulnerable', are not protection prisoners.
  - Approximately 168 prisoners were Aboriginal (27%). Of these, 14 were from the Eastern Goldfields region, two from Carnarvon, two from Geraldton and one from Broome.
- 1.11 By the time of the 2006 inspection the prison was overly specialised. Out of the 10 accommodation units, seven had some special purpose, so that movement control across the whole prison had become very staff intensive. Unit 1 which managed prisoners under various management orders, including formal discipline, had up to six different regimes.

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<sup>10</sup> see [5.125].

<sup>11</sup> see [5.6]-[5.34].

Units 2, 3 and 10 were for standard mainstream placement. Unit 4 was the base for new prison officer recruits and had a training focus. Unit 5 was dedicated to enhanced (self-care) regimes. Unit 6 managed protection category prisoners. Unit 7 accommodated new receivals and coordinated the orientation scheme. Unit 8 was designated for prisoners needing intermediary (additional support) care. Unit 9 was associated with various drug strategies, including the methadone program.

- 1.12 This complex mix of prisoners has made Hakea a very difficult prison to manage. This was compounded by overcrowding and gave management inadequate facilities to separate populations, provide appropriate environments for sub-populations and manage difficult prisoners. The prison cannot cope with higher numbers. Any further pressure on the population will create a significant management risk to prisoners and staff.

#### **BAIL**

- 1.13 At any given time around two-thirds of the 660 plus prisoners held at Hakea are on remand. Many of these prisoners have had bail conditions set by the courts that they cannot meet and therefore they remain imprisoned. Others could potentially secure a bail order if there were more services available that supported bail within the system. The importance of bail services at a prison such as Hakea is clear: the high costs to the community of holding an accused in prison rather than on bail in the community, as well as the economic and emotional costs to the accused and his family, could be avoided in a large number of cases. Although Chapter 5<sup>12</sup> of this Report examines the resources and services currently directed towards assisting prisoners with bail, a review of some of the literature about the importance of bail and its impact on prisoners generally is useful here.
- 1.14 The granting of bail is conditional on ‘the probability of the accused’s appearance in court to answer bail, the interest of the accused and the protection and welfare of the community.’<sup>13</sup> Bail is necessary to allow the defendant adequate time and resources to prepare their case. This is supported by comments from Justice Cross in *R v Wakefield* that it is ‘in the public interest that the accused be able to prepare his case in fairest possible circumstances, being entitled to equal consideration with the Crown.’<sup>14</sup> The United States Supreme Court has articulated a similar perspective stating that ‘[u]nless the right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning.’<sup>15</sup> It is apparent from these comments that an understanding exists in the judicial system that defendants who are remanded in custody are disadvantaged in the preparation of their case compared to defendants who are on bail.

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12 See [5.78].

13 Devine, F. (1991). *Bail in Australia*. In Challenger, D. (ed). *Bail or Remand?* AIC conference proceedings No. 6. Australian Institute of Criminology: Canberra, 23-134.

14 (1969) W.N. NSW, 325 at p. 326.

15 *Stack v. Boyle*, 342 U.S. 4(1951).

- 1.15 Literature identifies eight disadvantages to being in custody, as opposed to being free on bail:<sup>16</sup>
- defendants who are refused bail at the police station/lock up may find it difficult to contact a solicitor before their first court appearance;
  - defendants who are in custody are more likely to be unrepresented and consequently disadvantaged in any court appearances;
  - defendants in custody may have a more limited choice of solicitor as they may have minimal information about solicitors, be restricted in their ability to contact solicitors or are more likely to accept a solicitor assigned to them rather than choosing the solicitor best suited to their case;
  - defendants on bail are able to resume their normal life after being charged and can prepare their case in a stable and supportive atmosphere, are able to maintain their employment and are therefore able to maintain financial stability;
  - defendants in custody are not able to spend sufficient time with their solicitor in preparation for their case;
  - defendants in custody are unable to aid their own case by following up witnesses;
  - defendants in custody have limited access to solicitors; and
  - defendants in custody are restricted in obtaining evidence in mitigation and their presence in custody may negate the impact that evidence in mitigation has on their case.
- 1.16 Some literature suggests that defendants in custody are more likely to be found guilty than defendants who have secured bail, and that defendants remanded in custody are more likely to receive a custodial sentence than defendants on bail. Foote, Markle and Wooley found that 48 per cent of persons on bail were likely to be acquitted, compared to 18 per cent of those in custody.<sup>17</sup> In an English study Bottomley found eight per cent of defendants in pre-trial custody were acquitted compared with 18 per cent of defendants on bail. When plea was taken into account, 39 per cent of defendants in custody pleaded not guilty and 46 per cent of these were acquitted compared to the 69 per cent of defendants on bail who pleaded not guilty, of whom 43 per cent were acquitted.<sup>18</sup> The counter to these arguments is that bail is less likely to be granted when the Crown has a strong case, and therefore success in prosecution is more likely.
- 1.17 Evidence also exists which suggests that defendants who are remanded in custody are more likely to receive a custodial sentence than defendants who are on bail. Foote et al found that 59 per cent of remanded defendants received custodial sentences compared to 22 per cent

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16 King, M. (1973). *Bail or custody* (2nd ed.). Nottingham: The Cobden Trust.

17 Foote, C., Markle, J. P., & Wooley, E. A. (1954). Compelling appearance in court: Administration of bail in Philadelphia. *University of Pennsylvania Law Review*, 102, 1031-1079.

18 Bottomley, A. K. (1970). *Prison before trial: A study of remand decisions in magistrates' courts* (Occasional Papers on Social Administration 39). London: The Social Administration Research Trust.

of defendants on bail. This difference remained constant when offence was controlled for.<sup>19</sup> Friedland found that 41 per cent of defendants in custody prior to their trial were sentenced to a custodial sentence compared to 13 per cent of those on bail.<sup>20</sup> Two explanations could account for this difference. Firstly, being remanded in custody is likely to impact on other aspects of a defendant's life; they are more likely to lose their job, lose their home and suffer from domestic problems. If they are unemployed, have no fixed abode and are not married, they are considered less suitable for probation or other forms of home detention. Secondly, the seriousness of offence and other factors that contributed to the denial of bail will also impact on the choice of punishment.

- 1.18 The question of represented versus unrepresented defendants also appears to be an issue in the decision to apply for bail. Bottoms and McClean found that more defendants in remand were unrepresented compared to defendants on bail. They found that 64 per cent of defendants who were remanded in custody were unrepresented at their initial court hearing.<sup>21</sup> Possible explanations for the large numbers of unrepresented defendants in custody include the suggestions that defendants are either unable to make the appropriate application for bail as they feel that they lack the appropriate knowledge, do not apply for bail as they do not realise the significance of the application or make a poorly prepared application and are refused bail.
- 1.19 This discussion reflects the fact that it is not just the decision of the court that impacts on the high number of remand prisoners in Hakea. A large number of prisoners are granted bail yet remain imprisoned. This section has also shown the substantial impact that being denied bail can have on accused. This section contributes towards the conclusion developed in Chapter 5 of this Report, that the Department resources an on-site legal advisor for remand prisoners at Hakea, primarily for those who are not represented or to assist them in securing representation.

### INSPECTION METHODOLOGY

- 1.20 Although the now well-established inspection routine of the Inspectorate was followed for this inspection of Hakea, in a few ways the inspection deviated from the usual practice. The inspection team for Hakea was large, with a significant number of expert inspectors and external consultants. This wide range of people was needed because of the complexity of Hakea with a number of significant specialised functions.
- 1.21 The inspection team included Professor James R. P. Ogloff, a world-acknowledged expert on prisoner risk and assessment who concentrated on the functioning of the prison's assessment centre. Another expert was Ms Judith Fordham, who holds a Bachelor of Laws (with honours) and is a Sessional Lecturer, School of Law and Justice at Edith Cowan University and an Associate Professor in Forensic Science, School of Biological Sciences and

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19 Foote, C., Markle, J. P., & Wolley, E. A. (1954). Compelling appearance in court: Administration of bail in Philadelphia. *University of Pennsylvania Law Review*, 102, 1031-1079.

20 Friedland, M. L. (1965). *Detention before trial: A study of criminal cases tried in the Toronto magistrates' courts*. Toronto: University of Toronto Press.

21 Bottoms, A.E. & McClean, J.D. (1976). *Defendants in the Criminal Process*. London: Routledge and Kegan Paul.

Biotechnology at Murdoch University. She has been a practicing barrister for over 19 years. Ms Fordham examined legal resources available for prisoners, concentrating on the needs of remand and appeal class prisoners. Expert inspectors from the Department of Training and Education, the Drug and Alcohol Office, the Department of Health, the Office of Health Review and the Ombudsman's office also made their usual very valuable contribution to the inspection process.

- 1.22 As well as conducting our usual pre-inspection surveys of prisoners, custodial staff and civilian staff, the inspection of Hakea also incorporated the application of a survey instrument especially designed to Measure the Quality of Prison Life (MQPL). The instrument was developed by Professor Alison Liebling at Cambridge University in the United Kingdom to measure what Professor Liebling calls the 'moral performance' or social climate of the prison. Her Majesty's Prison Service and the United Kingdom Prisons Inspectorate now use the instrument extensively. The findings from the MQPL surveys were cross-referenced with our own and also triangulated against the observations made, interviews conducted and documentation sighted during the inspection to support inspection findings. Findings from the MQPL and our own survey instruments are referred to throughout this Report to support various findings of the inspection. Professor Liebling also joined the inspection team and was able to test further the pre-inspection findings identified by the MQPL surveys. Previously, Professor Liebling had made valuable inputs into the Review of Deaths at Hakea Prison, so she was in a position to assist in the evaluation of progress in managing self-harm issues at the prison.
- 1.23 As has become the practice in recent inspections, Hakea was invited to undertake a self-audit of strengths, weaknesses and recent developments in prison operations to present to the Inspectorate. The recently installed new acting Superintendent and his team performed this task well, identifying a number of key areas that the inspection confirmed required action. The cooperation given to the Inspectorate by management, staff and prisoners at Hakea was of a high standard, and all engaged in the process well, with the hope of further improvements in the performance of the prison and as a catalyst for long-awaited change.

# Chapter 2

## RESOURCES AND SYSTEMS

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### MANAGEMENT – LEADERSHIP AND STABILITY

- 2.1 The first inspection of Hakea in March 2002 identified the existence of cultural clashes among staff (and management) as a result of the amalgamation of the two separate facilities that came with different operational philosophies. In order to create some cohesiveness of purpose a change management group incorporating staff and an external consultant was appointed.
- 2.2 Little progress was made by the time of the inspection in 2004. In Report 22<sup>22</sup> it was noted that Hakea was a prison that had been functioning in a state of low-grade, passive crisis for several years and that management had not succeeded in turning it around. Immediately following this inspection a new substantive Superintendent was appointed, with the intent of relatively long commitment (about five years) to see through the changes required to ensure Hakea became a successfully functioning prison. This did not eventuate, however, as about a year after his appointment the Superintendent was seconded to Head Office. This reignited a number of old conflicts that were found in 2002, and in some cases exacerbated them.
- 2.3 The 2006 inspection found that there had been little progress from this state of affairs. Morale among staff was still a concern as it had been during the previous inspection. A large majority (62%) of custodial and non-custodial staff rated their relationship with management as poor in the pre-inspection survey, with only 14 per cent of custodial staff rating it as good or better.
- 2.4 Many staff, particularly custodial officers, expressed frustration at the lack of stability in management positions in the prison. This particularly was directed at:
- the position of Superintendent which had been filled on an acting basis for around 18 months;
  - the inability to appoint a Level 7 Assistant Superintendent of Regimes;
  - the inability to appoint more than six Level 6 Senior Supervisor positions; and
  - the inability to appoint 21 Senior Officers out of a complement of 40.
- When custodial officers were surveyed on this issue, an overwhelming majority (91%) reported that management instability and the make-up of the management group had impacted on the smooth operation of the prison.<sup>23</sup>
- 2.5 These findings were supported by the MQPL survey results, which indicated a certain amount of unhappiness among staff, particularly in relation to senior managers. The survey showed low scores on communication and support and a lack of trust in senior management (and the Department) competence. Staff also indicated feeling left out of decision-making and frustrated at a lack of direction, stability and consistency in operations.
- 2.6 Those acting in management positions at the time of the inspection (there had been some changes shortly before the inspection commenced) themselves recognised the unstable leadership team as a fundamental problem for Hakea's operation. The pre-inspection self-

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22 OICS, *The Diminishing Quality of Prison Life at Hakea Prison*, Report No. 22 (March 2004) [7.10].

23 Seventy-one per cent of non-custodial staff held the same view.

audit conducted by the prison identified that a management structure review was urgently required and that there was an acute lack of substantive Senior Officers.

- 2.7 Selection processes for promotional positions had been protracted, and this was causing frustration to all staff, not just those directly affected by the delays. Some staff had been acting in higher position for lengthy periods, in some cases over a number of years with no adverse performance reports, yet had not been appointed. It was evident that the high number of staff acting in management positions had been responsible for inconsistency in decision-making. In short, the prison was lacking leadership, the Business Plan had lapsed and staff looked for greater levels of management certainty and stability.
- 2.8 The inspection team was also told of hostile relationships between some senior managers that had inhibited the development of a team approach, and of staff, particularly female staff, being marginalised and even intimidated. Meetings conducted with custodial and non-custodial female staff showed that Hakea perpetuated a male culture and little or no support was given to women working at the prison. Women also indicated that they felt uncomfortable asking for additional security staff if it was felt that safety was being compromised, and that when they raised maintenance issues (such as locks on toilet doors) these were not fixed. This atmosphere led female staff at the prison to at times continue to work in environments where they felt unsafe.
- 2.9 The lack of support for female staff by some male staff was exemplified by complaints from some male officers about the separate meetings conducted for females during the inspection. It was stated that ‘all officers should be considered the same’. Conversely, some women felt anxious at attending the meetings as they felt it drew negative comments and attention to the needs of female staff. Female custodial staff indicated that they felt that they had to work harder than the males and were not afforded equal respect by some of their male peers. In particular, some male officers did not appear to understand that sexual discrimination was not acceptable in the workplace, and inappropriate comments had been made at social events. This must be addressed.
- 2.10 Female staff lacked a sufficient voice at management level at Hakea and were unable to provide management with a united view outlining their specific issues. The women all stated that there had been plans for a female support group to be implemented at the prison under the previous Superintendent, but that this idea had lapsed when the Superintendent left the prison. It was evident during the inspection that this support group needs to be implemented and should have the support of the Superintendent.
- 2.11 In relation to management issues generally, the Inspector stated at the exit debrief that ‘this situation simply cannot be allowed to continue. The prison is at risk of management systems breaking down altogether. This was perfectly predictable... [T]he time for excuses is past.’<sup>24</sup> It is essential that a substantive Superintendent be appointed as a matter of priority, followed by a full review of the suitability of the management structure and appointment of all management positions. All positions must commit to their roles for substantial periods

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24 Richard Harding, Inspector of Custodial Services, *Announced Inspection of Hakea Prison: Exit Debrief*, (October 2006) 8.

of time to ensure the stability and consistency that is so sorely missed. This must also be extended to the uniformed management group.

*Recommendation 1*

*The Department should immediately initiate procedures for appointing a substantive Superintendent of Hakea with a commitment to a three-year minimum term.*

*Recommendation 2*

*The Department should, with the input of the appointed Superintendent, review the senior management structure at the prison and in the light of that review, appoint persons to these positions promptly.*

*Recommendation 3*

*The Department and the prison should address the question of Senior Officer appointments at Hakea with a view to filling those positions substantively.*

*Recommendation 4*

*The first three recommendations should be implemented as soon as possible, and if necessary the Department should appoint a small human resources taskforce to conclude these matters without delay.*

*Recommendation 5*

*The prison should set up a Women's Committee to address issues of the employment and treatment of women at Hakea.*

All of the recommendations in this section should be implemented as soon as possible, and if necessary the Department should appoint a small human resources taskforce to conclude these matters efficiently, transparently and without undue delay.

## HUMAN RESOURCES AND TRAINING

- 2.12 Hakea had an approved full-time equivalent (FTE) staff of 322.5, although it had a current operating requirement for 328.5 FTEs. Consequently, there were six unfunded positions.
- 2.13 The Inspectorate is of the view that staff to prisoner ratios should not be derived from the application of a generic formula, but should be established for each individual prison and tailored to meet the assessed risk and need for intervention.<sup>25</sup> Hakea has a unique and unrivalled role in the Western Australian prison system, with more prisoner movements, receptions, assessments and first night stays than any other prison. Each of these activities adds greatly to the workload and complexity of operations. Operational staff were strongly of the view that there was a need for more staff, although it was not possible in the time available during the inspection to come to a conclusive view on this issue. What is required is that the new management team (see [2.11]) should review the adequacy and way in which staff are deployed at Hakea to determine the need for additional FTEs or changes to deployments within existing resources.
- 2.14 The uniformed staff complement at Hakea was an aging work force, with around 130 staff

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25 OICS, *Report of a Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005) [7.31].



approaching retirement age (between the ages of 50 and 70 years of age).<sup>26</sup> In percentage terms, this equated to 46 per cent of custodial staff, which was somewhat higher than the average (40%) for all custodial staff within the Department.<sup>27</sup> With so many staff close to retirement, the potential loss of experience en masse was a real risk to operations.

*Recommendation 6*

*The prison should survey and monitor custodial staff intentions with regard to retirement to ensure a planned approach to maintaining a full complement of staff with sufficient experience.*

- 2.15 One consequence of the management vacuum discussed at [2.1]-[2.10] was that staff expressed a very high reliance on each other for support and guidance, and there were very close-knit groups of staff within the prison. The MPQL survey of staff showed very high peer relations scores, to such an extent that Professor Liebling stated in her survey analysis that it was at the point at which ‘close-knit staff relationships or solidarity tend to become counter-productive’.<sup>28</sup> There were strong beliefs that their good work under strained circumstances was unrecognised, there was little trust in management and thus uniformed staff could only rely upon each other.
- 2.16 Both the MPQL survey and the Inspectorate’s pre-inspection survey identified a deficiency in staff training across the board and a workforce that very much wanted more professional development opportunities. Uniformed staff training was being conducted on a Wednesday morning, during which time prisoners were locked down in their cells. None of the 20 Senior Officers interviewed during the inspection had received any training in the past two years, other than in breathing apparatus (BA). A change in staffing at the training centre was due to happen a short time after the inspection, which would see many experienced trainers moving out from their positions. While the impact of this could not be predicted, the loss of such experience was of concern.
- 2.17 Compared to the previous inspection findings in 2002, our survey of staff revealed little change in the overall level of staff training. Custodial officers at Hakea were considerably under-trained in comparison to Casuarina in 2004 and Albany in late 2005.

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26 Department of Corrective Services, Hakea Prison, Human Resources Branch.

27 Department of Corrective Services, Gaol Officer Award Employees by Age Profile as at 19 October 2006.

28 Professor Alison Liebling, *Hakea Prison Inspection Report* (October 2006) 5.

## RESOURCES AND SYSTEMS

### Training received

| * Not asked          | Hakea<br>2006 | Hakea<br>2002 | Hakea<br>Gatehouse 2006 | Casuarina | Albany |
|----------------------|---------------|---------------|-------------------------|-----------|--------|
| Restraints           | 66%           | 81%           | ★                       | 100%      | 94%    |
| CPR                  | 63%           | 47%           | 33%                     | 81%       | 94%    |
| BA training          | 51%           | 16%           | ★                       | 18%       | 50%    |
| Chemical agents      | 49%           | 68%           | ★                       | 88%       | 81%    |
| OH&S                 | 18%           | 25%           | 22%                     | 25%       | 41%    |
| AIPR                 | 15%           | 5%            | ★                       | 37%       | 16%    |
| IMP                  | 8%            | 2%            | ★                       | 28%       | 22%    |
| Interpersonal skills | 14%           | 14%           | 33%                     | 43%       | 41%    |
| Suicide prevention   | 15%           | 7%            | ★                       | 28%       | 19%    |
| Cultural awareness   | 5%            | 16%           | 22%                     | 17%       | 19%    |

2.18 Staff were also asked about training relevant to specific regular tasks. Few staff reported training in conducting searches (25% custodial, 33% gatehouse) or awareness of drugs (25% custodial, 22% gatehouse). In addition, few gatehouse staff had received training in emergency procedures (33%) or permissible uses of force (33%) and few custodial staff had training in bail processes (20%) or in report writing (12%).

2.19 In Report 12<sup>29</sup> attention was drawn to the inadequacy of breathing apparatus suitable to the rescue of persons at Hakea and elsewhere in Western Australian prisons. That Report recommended that a comprehensive review be undertaken of the adequacy of cell fire response capabilities. In the weeks immediately following the inspection of Hakea, the inspection team was provided with a draft Department of Corrective Services Policy Directive (No. 58) in relation to Self-Contained Breathing Apparatus, which addressed some of the concerns relating to the inadequacy of response capabilities. Although this policy directive was still to be finalised, a clear commitment to improved equipment and training was evident and this was a welcome development that the Inspectorate will monitor over the coming months.

#### *Recommendation 7*

*A Training Needs Analysis should be conducted for all categories of staff— senior management, line management, civilian staff, custodial staff, vocational support officers and administrative staff— and an appropriate schedule of training put into place.*

## PHYSICAL INFRASTRUCTURE

2.20 As previously explained, Hakea was established in 1998 through an amalgamation of Canning Vale Prison and the adjacent CW Campbell Remand Centre (two prisons with distinctly different design purposes), and consequently it was always a compromise solution to increased demands and changing needs. As noted in an earlier report,<sup>30</sup> the amalgamation

29 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 12 (March 2004) [3:14].

30 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 12 (March 2002) [1.6].

## RESOURCES AND SYSTEMS

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was an understandable decision in difficult circumstances, but an enormous and complex undertaking.

- 2.21 Hakea receives and accommodates all adult male remand prisoners in the metropolitan area as well as long-term remand prisoners from the regions, it also provides reception and assessment for newly sentenced prisoners and it acts as a transit and dispersal prison as required. The prison has a design capacity of 617 prisoners, which had been increased to 665 by the use of double bunking a number of cells.
- 2.22 The effective management of capital infrastructure is a key enabler underpinning the delivery of effective prison services. In practice, this means:
- ensuring sufficient capacity to support increased demand;
  - using technology to support innovative service delivery; and
  - modernising the asset base to reflect changing requirements.<sup>31</sup>
- 2.23 The development of the prison had progressed since 1998 in accordance with a multi-stage master plan,<sup>32</sup> with the initial stages providing an additional 112 beds, a new gatehouse, reception, Crisis Care Unit and visitor complex. These facilities generally functioned well and were fit for purpose. However, much of the older infrastructure was designed and built in the late 1970s/early 1980s and was in need of replacement or refurbishment and parts were not well suited to modern penal purposes. Staff and prisoner safety were compromised in some areas of the prison due to poor design, for example, in the kitchen and the walkway linking Unit 1 with the gymnasium. This risk was being managed through internal policies and procedures, but remained a risk nonetheless to be addressed in future works.
- 2.24 Minor works were being managed from within existing resources wherever possible, while additional funding was being sought through State-wide capital and recurrent funding sources. In 2005/06 additional recurrent funding for preventative maintenance had totalled \$1,185,845 with a further \$3.5 million allocated for 2006/07 from recurrent and capital funding sources.<sup>33</sup> While there had been a long backlog list of maintenance issues to be addressed, these were being worked through.
- 2.25 Despite this, the Occupational Health and Safety (OHS) committee were not able to keep up with the demands of such a large prison. Only one member of the committee was rostered for four hours per week to undertake OHS work, which was largely taken up with reactive assessments and processing paperwork. We found there was no current occupational health and safety audit of the whole prison, while an assessment of the prison precinct and surrounds had not been considered. The resources currently committed to OHS in a prison of Hakea's size and complexity were inadequate.

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31 OICS, *Report of a Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005) [6.1].

32 The original Master Plan was prepared by Cox Architectural Planning Design and was reviewed for the progression of stage 3 Requirements by Gutteridge and Davey Pty Ltd in the Hakea Prison Development Strategy Study (May 2001).

33 Department of Corrective Services, *Recurrent Funding for Preventive Maintenance 2005/06–2006/07*, Assets and Procurement Directorate.

- 2.26 In terms of infrastructure, Hakea Prison presented stark contrasts across the site. Some parts were new and working well while other parts of the facility were 30 years old and in need of refurbishment. There were also compromises in layout and design that had come from the amalgamation of two different prisons. Ensuring the safety, care and wellbeing of staff and prisoners within these infrastructure limitations placed much greater demand upon management systems, staff vigilance and alertness than would have been the case in a purpose-built facility. It is essential, therefore, that a review be undertaken of the functional efficiency and effectiveness of the layout and utilisation of infrastructure with a view to ensuring the facility is fit for purpose.

*Recommendation 8*

*The Department should undertake a complete infrastructure audit, including a specialist security review<sup>34</sup> in order to provide a firm basis for future upgrades to the prison.*

## PRISONER POPULATION

### Prisoner Numbers

- 2.27 Hakea is the state's pre-eminent remand, receipt and assessment prison for male prisoners. Consequently, it holds both convicted and unconvicted prisoners. The prison population fluctuates according to processes generally beyond the prison's control such as Court and Parole Board (subsequently changed to the Prisoners Review Board) decision-making, as well as a requirement to hold prisoners from regional areas who cannot be held in their home region.
- 2.28 The remand prisoner population at Hakea Prison had increased over the past two years by 113 or 34.7 per cent<sup>35</sup> with the increase being largely due to longer remand periods rather than an increase in the number of persons being remanded in custody. However, while the number of persons being remanded in custody had remained stable over two years, on a daily, weekly and monthly basis the numbers fluctuated greatly, creating logistical difficulties that are outlined further below.
- 2.29 As noted previously, the prison has a design capacity of 617 prisoners, increased to 665 by the use of double bunking a number of cells although it frequently exceeded this number. When overburdened to this extent the prison did not perform well. There were insufficient beds to enable prisoners to be regressed or progressed to incentive accommodation, or for prisoners with conflict alerts to be kept apart from those with whom they are in conflict. In this way, high population counts led to a sense of 'gridlock' in the prison that was compounded by restrictions placed upon prisoner movements intended to better protect prisoners.
- 2.30 Other factors were also impacting on Hakea's ability to manage its prisoner population, in particular, the needs of discrete prisoner groups. The most dominant example of this was the mixed populations accommodated in Unit 1. The unit was being used as:

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34 See [4.4]-[4.12] for further support for this recommendation.

35 Department of Corrective Services, *Remand Prisoner Population Increase* (September 2006) Policy, Planning and Review, Contemporary Issues Bulletin [3].

- a punishment and strict management regime unit for non-compliant prisoners;
- overflow accommodation for protection prisoners from Unit 6 and
- first-night accommodation for late new arrivals.

While protection prisoners in the unit were officially on a standard regime, the inappropriateness of holding protection prisoners in the same unit as punishment and management regime prisoners was clear. For staff, the enforcement of complex, multiple punishment and management regimes that were prescribed for individual prisoners was made considerably more difficult by the starkly contrasting requirement to differently treat and have regard to the needs of protection prisoners and the sometimes intense needs of newly received prisoners.

- 2.31 We observed that strategies that had previously worked to limit the prisoner count, such as transferring low security prisoners directly to other prisons, had been abandoned. Also, strategies used in other Australian jurisdictions such as having bail coordinators stationed at a number of key feeder metropolitan courts to reduce the need for these prisoners to be admitted to prison, were not in place. Prison management and the Department should review practices with a view to setting a more realistic cap on prisoner numbers between 600 and 625, to alleviate the difficulties identified during the inspection.

*Recommendation 9*

*The optimum population cap for the prison as it is currently configured should be set at around 600, but in the event of numbers exceeding a safe cap (as determined by the Department) a range of compensatory measures should be developed and put into place to minimise the effects of the level of unsafe overcrowding.*

**Population Patterns**

- 2.32 Hakea manages the highest flow of prisoners through its gates of any prison in Western Australia. In the four weeks to 23 September 2006, some 350 new prisoners were received into Hakea Prison in the following admission categories:
- 231 newly remanded prisoners (an average of 58 a week);
  - 33 newly sentenced prisoners (an average of 8 each week);
  - 49 prisoners via transfer from other prisons, including from regional prisons (an average of 12 a week); and
  - 37 prisoners that had their parole cancelled (an average of 9 each week).
- 2.33 Each of these prisoners had to be formally admitted and received into the prison, undergo first-night processes, be medically assessed, be provided with the opportunity to let family know where they were and to resolve any urgent issues (such as children uncollected, pets left stranded or property at risk), be assessed for whether they were likely to self-harm or be vulnerable to bullying from other prisoners, and be allocated to a unit based upon their individual needs/risk status.
- 2.34 In addition, on average 140 prisoners a week were required to attend court for hearings, sentencing, or appeals. Each of these prisoners had to be prepared, 'released' to the

custody of the transporting authority, and readmitted later the same day. Further, there were a number of medical and dental admissions and exits that may not have affected the population count but increased the number of movements in and out of the prison. We checked the gatehouse records for the six months from May to October 2006 and found an average of 404 total prisoner movements each week through the gatehouse.

- 2.35 From a systems perspective, the movement of such large numbers of prisoners was the most defining feature of Hakea, and set it aside from all other prisons in Western Australia. For staff, there was the ‘grinding reality’ of safely managing the processing and finding appropriate bed allocations each day for prisoners. There were more than 2,000 alerts on the Total Offender Management Solution (TOMS) computer system for prisoners at Hakea on 20 October 2006<sup>36</sup>, all requiring care-in-placement, many requiring special regimes and a large number requiring separation from other Hakea prisoners<sup>37</sup>. It is to be stressed that the prison was largely doing this enormous task well, as shown elsewhere in this report. It is important, however, that the Department explore strategies available to reduce the number of prisoners to be processed at Hakea.

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36 Department of Corrective Services, Total Offender Management Solution, Alerts Summary for Hakea Prison 20 October 2006 at 12:22 pm.

37 See [4.36]-[4.37] regarding the problems with the removal of alerts from TOMS and the impact on prisoner management.

# Chapter 3

## REHABILITATION

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### ASSESSMENTS AND INDIVIDUAL MANAGEMENT PLANS

- 3.1 Hakea is Western Australia's primary receipt and assessment facility for newly sentenced male metropolitan prisoners. The assessment process consists of the classification of each prisoner using the Management and Placement checklist (MAP) and the development of an Individual Management Plan (IMP) for every prisoner with an effective sentence of six months or longer. Following the assessment process, the majority of prisoners are placed at other facilities throughout the state that have been identified during the assessment process as appropriate for them.
- 3.2 The assessment and planning process revolves around how the system can best address the risks that each individual prisoner presents. This requires the assessment of three matters:
- how likely the offender is to re-offend (dangerousness to community);
  - the criminogenic needs of the offender, that is, factors that contributed to the offending behaviour that can be addressed through programs; and
  - the security risk of the offender within the prison system.<sup>38</sup>
- This Office has questioned the validity of this process for Aboriginal prisoners, as it has the tendency 'to overrate the potential security risk'.<sup>39</sup> The Department itself has recognised that the current process poses problems for the assessment of Aboriginal prisoners and it is important that these be addressed.<sup>40</sup>
- 3.3 The Standard Guidelines for Corrections in Australia provides clear obligations for prison administrators with regard to case management for prisoners, and includes:<sup>41</sup>
- individual case management of prisoners to enable the assessment, planning, development, coordination, monitoring and evaluation of options and services to meet the individual needs and risks of persons as they move between community corrections and prisons;
  - sentenced prisoners (other than those serving a very short sentence) should have a sentence plan developed as soon as practical after receipt into custody;
  - case plans, including classification and placement plans of prisoners, should be regularly reviewed allowing for the prisoner as well as staff to provide updated information and should contain measurable and achievable short term and long term goals; and
  - all progress and any changes are recorded clearly and accurately using the correct documentation.
- 3.4 As noted previously, the Inspector commissioned Professor James Ogloff to review the Prisoner Classification and Assessment Process at Hakea. The material that follows is drawn directly from his report. It was crucially important to obtain this independent and expert review, for classification and assessment are the most important functions carried out at Hakea. If these functions are in themselves working effectively, but are not driving

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38 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005) [2.2].

39 *Ibid.*, 25.

40 *Ibid.*, 27.

41 *Standard Guidelines for Corrections in Australia* (2004) [3.1]; [3.2]; [3.3]; [3.4]; [3.5].

the remainder of the prison regime, the State is not getting the necessary return upon its expensive investment.

3.5 As Professor Ogloff expressed it:

*“Simply stated, the prisoner classification process sets the tone for the correctional system. As prison systems have become more complex, often comprised of several prisons with differing levels of security, the process of determining the level of security required to manage prisoners in a safe manner, all the while working towards their reintegration with society, likewise becomes more complex.”*

Similarly, with treatment assessments:

*“To maximise the chances of meeting the expectations for success, extreme care must be taken in implementing evidence-based offender rehabilitation programs with the promise to succeed in reducing re-offending. The assessment of prisoners to identify their treatment needs is step one in the process of offender rehabilitation.”*

3.6 Professor Ogloff made 18 recommendations to the Inspector as to how both classification and assessment could be fine-tuned and improved. It is not proposed to produce them as part of this report, however. The reason is that, subsequent to the on-site phase of the Hakea inspection, this Office has taken on the lead agency role (in partnership with the Department) for a comprehensive review of the Classification and Assessment system. This has arisen out of various findings and recommendations in the 2005 Mahoney Inquiry Report, as well as the parallel Report Number 30 of the Inspector. Consequently, Professor Ogloff’s technical and detailed recommendations about the validity of the tools that are being used are best subsumed within that broader review. That review should be completed by November 2007. In this context, it is not proposed to make any substantive recommendations about classification and assessment within the framework of this report.

3.7 The important matter for this report accordingly becomes how well supported the classification and assessment processes are within Hakea prison and how well, within the set parameters, the teams involved are functioning. In these respects, the findings are very encouraging. Professor Ogloff found as follows:

*“The Department of Corrective Services should be commended for developing the prisoner assessment and case management process.... The overall approach and focus is admirable and many elements of the model mirror best practice in the field. The Hakea Assessment Centre is well-managed and the staff members demonstrate a high degree of interdisciplinary collegiality and skill.”*

To be quite specific: the mutual support of uniformed officers for professionally qualified staff such as psychologists, and vice-versa, is strong – a model for the whole Department.

3.8 The overall process reflects good practice in contemporary prisoner classification. Despite the high volume of prisoners to be assessed, all prisoners appear to be assessed in accordance with the prevailing guidelines. Professor Ogloff particularly noted that:

*“The case conference process was particularly notable. It is clear that the input from uniformed staff and the assessors is included in the case conference report. Based on observations of case conferences and*



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*discussions with staff, an environment of respect and collegiality exists between members and across the disciplines.... There is an opportunity for open discussion among staff. Such cooperation is still all too rare in many corrections environments.”*

In addition, the prisoners were treated respectfully throughout the whole process.

- 3.9 Clearly, the basic arrangements and approaches must be sustained and nurtured. That is not to say that there could not be process improvements – several of which were noted in Professor Ogloff’s Report – and, as mentioned, the technical issues of the statistical and operational validity of some of the tools used in the process are now under review. However, for the purposes of this report on the performance of Hakea prison, it is sufficient to note that the absolutely crucial activities of classification and assessment are being reasonably well supported within the Hakea environment and well-managed and performed by the responsible team. The problems revolve around the capacity of the Department to utilise the classification and assessment system effectively.
- 3.10 In this regard, Professor Ogloff drew attention to the disconnect between treatment needs, as identified in the assessment process, and program provision – a matter that has a profoundly negative impact on achieving positive correctional outcomes. This is a matter about which the Inspector has commented in numerous earlier reports, and it will certainly be traversed yet again in the forthcoming review of classification and assessment.

#### **OFFENDING BEHAVIOUR PROGRAMS DELIVERED AT HAKEA**

- 3.11 As a remand and assessment prison with sentenced prisoners who are mainly transient, programs have not formed a core part of the functions at Hakea. Remand prisoners who are yet to be found guilty of a crime often have unknown needs, and those awaiting assessment are likely to be transferred to other prisons to undertake identified rehabilitative programs. Since the amalgamation, Hakea has provided a small number of selected programs on occasions when the Department deemed it necessary.
- 3.12 In the past the Department had not recognised any obligation to remandees to provide opportunities for them to address issues that they may self-identify as requiring, without having admitting any guilt. As stated in Report 30, they may wish ‘to embrace change for their own self-interest’.<sup>42</sup> Prisoners should not only be encouraged to participate in programs as an inducement to secure parole, but also for their own benefit.
- 3.13 And most importantly, offending behaviour programs should play a central role in the Department’s strategies to reduce re-offending:

Regimes must take seriously the need to engage prisoners in activities and programs that seek to reduce the risk of re-offending. There is a prevailing laxity in prisons concerning the engagement of prisoners in programs...The evidence regarding reducing re-offending is now sufficiently well established that prisons should make rehabilitation and reducing re-offending a major element in all correctional planning and services.<sup>43</sup>

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42 OICS, *Directed Review of the Management of Offenders in Custody*, Report No.30 (November 2005) 38.

43 Ibid., [2.9].

## REHABILITATION

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- 3.14 Since the 2002 inspection the Department has established a limited but highly significant range of Brief Intervention Programs (BIPs) that targeted problematic drug and alcohol behaviour and anger management. In addition, Hakea had recently commenced programs targeting improvements in cognitive reasoning. All these programs were likely to be of benefit to prisoners regardless of whether they had been convicted or were on remand.
- 3.15 BIPs were established to provide a first step information service to prisoners. The programs were developed to fit into one day, and were well focussed. They are presented and delivered by Outcare (under contract) who have credibility with prisoners. Fifty places were being offered each week in the programs, which appeared to be well frequented. The programs were being funded externally from the Department and were only secured for two years. Subject to positive program evaluations, it is recommended that the Department commit to the continuation of the BIPs. Additionally, with an estimated 85 per cent of prisoners at Hakea having a history of recent drug use, it should be assessed whether more places need to be made available.
- 3.16 A brief, five-day version of a cognitive skills program was also being offered to remandees. A number of prisoners who had recently completed the program stated that it provided useful life skills in decision-making that would be of great assistance. Prisoners awaiting sentencing stated that the program had increased their likely engagement and receptiveness to offending behaviour programs that they were likely to be required to undertake during their incarceration.
- 3.17 The improvement found in the delivery of programs was a good achievement for Hakea. The Offender Services Division should now concentrate on evaluating and widening the programs on offer. An assessment should be undertaken to determine the value of including other BIPs such as relationships or basic financial management, and should also assess the viability of establishing second-stage, short duration programs with a more therapeutic content.

### *Recommendation 10*

*The Department should support and fund the continuation of the Brief Intervention Services and explore whether they can be extended so as to contain a therapeutic element.*

## EDUCATION<sup>44</sup>

- 3.18 Education is one of the activities that generally forms a central part of the structured daily lives of prisoners. The Hakea Education Centre was found to be functioning to a high standard and was well organised to cope with the multiple demands on the time of remandee students. Evidence presented during the inspection was that services were demand-driven, with regular programs that were popular and useful. The education service was also flexible enough to design new courses suggested by students.

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44 The Inspector would like to acknowledge the participation and contribution of Ms Cheryl Wiltshire, Curriculum Officer Literacy, of the Department of Education and Training, in the inspection of these services during the Inspection.

- 3.19 There were, however, many prisoners who missed out on participation in education due to clashes with other commitments (such as court). Education Centre staff estimated that only about 20 per cent of prisoners participated in courses other than the compulsory Occupational Health and Safety unit that all new prisoners must complete. One of the key challenges for the centre was to widen participation in a population that engaged in very little other purposeful activity throughout the day, and should be given support by management to achieve this aim.
- 3.20 A significant issue for education was the cancellation or serious disruption to classes due to lack of uniformed staff available to provide security within the centre. If only one uniformed officer was available, only 15 students could attend the centre at one time, causing the cancellation of classes if more students were scheduled. Higher priority should be given to education services and disruptions minimised.

*Recommendation 11*

*Hakea should review the arrangements for assigning disciplinary officers to the education centre, with a view to ensuring that occupational health and safety considerations are properly met and that classes are not cancelled because of a lack of a disciplinary officer.*

- 3.21 External studies options were becoming more difficult for the centre to facilitate as more of these units included a compulsory online component that Hakea (and other prisons) would not facilitate. This mainly impacted on prisoners seeking to undertake higher levels of learning, and in effect acted as active discouragement against prisoners engaging in education. Systems can be structured to support prisoners in engaging in education and provide access to required computer resources without compromising security.
- 3.22 The expert Education inspector identified a number of issues regarding the initial literacy assessments given to students at Hakea. The primary problem was that the tests risked undermining the participation of prisoners by an excessive focus on what the prisoner *could not* do and *did not* know, rather than a positive identification of skills and the application of literacy and numeracy skills in a broader context. This issue could be easily addressed through appropriate staff development, a focus on professional practices in assessing adults and establishment of suitable programs that cater for a range of needs and provide an appropriate balance between teaching and assessment.

# Chapter 4

## SECURITY AND SAFETY

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- 4.1 Hakea is a maximum-security prison with a predominantly unsentenced population. On 30 June 2006 there were 431 unsentenced prisoners (65.5%) from the total population of 658.<sup>45</sup> About 50 per cent of the total population was rated maximum-security, with a small number (about 25) rated as minimum-security. The remainder were rated medium-security. This diversity of the prisoner population added to the obligations to prevent escape by security infrastructure and procedures as well as provision of a safe environment for prisoners of all security classifications.
- 4.2 Maximum-security necessarily implies that escape must be virtually impossible because such prisons are designed with a high standard of physical security, around the perimeter as well as inside, to hold prisoners whose escape is likely to pose a serious threat to safety of the community or to the proper exercise of justice.
- 4.3 Heightened internal security and safety measures are also necessary on the grounds that dangerous prisoners present an increased risk to others, including staff and other prisoners. A safe prison environment requires good staff-prisoner interaction; intelligence gathering systems; purposeful activity; use of force as a last resort; and procedural fairness. The essential elements of maximum-security prisons must always be balanced by professionalism and best regard for human rights.

### THE INSPECTION OF SECURITY SERVICES: AN OVERVIEW

- 4.4 The inspection of security and safety at Hakea was conducted utilising a number of established guidelines, primarily the Standard Guidelines for Corrections in Australia and Expectations from the UK Inspector of Prisons.<sup>46</sup> Each documents a number of principles regarding safety and security that are relevant to operations at Hakea.
- 4.5 With regard to safety, the Standard Guidelines for Corrections in Australia states that:<sup>47</sup>
- Prisons should implement systems by which the general location of all prisoners is known at all times.
- Prisons should provide for the personal safety of staff and prisoners by ensuring a prison environment that protects the physical, psychological and emotional wellbeing of individuals.
- Prisons should develop and implement a prisoner safety regime which:
- prevents bullying and targets perpetrators;
  - provides an immediate and effective incident response;
  - identifies prisoners who present a risk to prison staff or other prisoners; and
  - places prisoners in situations which minimise their opportunities to be harmed or harm others.

The expectations according to which safety in prisons are assessed in the United Kingdom

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45 Aboriginal prisoners constituted 27 per cent of the total prisoner population.

46 Her Majesty's Inspectorate of Prisons: *Expectations – Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners*, 2005.

47 *Standard Guidelines for Corrections in Australia*, 2004, 14-15.

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include that staff-prisoner relationships are positive, prisoners receive personal attention from staff, there is constructive activity to occupy prisoners, effective security intelligence is in place and that prisoners' access to activities is not impeded by an unnecessarily restrictive approach to security.<sup>48</sup>

- 4.6 'Expectations' contains multiple requirements for the security and good order of a prison, with the overarching statement that they are

*“maintained through positive staff-prisoner relationships based on mutual respect as well as attention to physical and procedural matters. Rules and routines are well publicised, proportionate, fair and encourage responsible behaviour. Categorisation and allocation procedures are based on assessment of a prisoner’s risk and needs; and are explained, fairly applied and routinely reviewed.”*<sup>49</sup>

- 4.7 The assessment of security operations at Hakea was conducted by two inspection team members dedicated to the task over three days, and involved the Security Manager, Deputy Superintendent and the Superintendent. The process involved a combination of desktop analysis of documentation, interviews with staff and a walk through of the entire prison focussing on security. The inspection did not include an in-depth analysis of the operation of the Special Services Branch (SSB), which is based at the Hakea site, as it will be the subject of a thematic review in 2007.
- 4.8 The walk through of Hakea commenced in the prison car park, where the patrolling armed response vehicle was asked to attend. While not inspecting the SSB, the inspection team wanted to be satisfied that staff were capable of discharging their duty to prevent escape, including the use of lethal force as a last resort. The staff were clear about the rules of engagement, the weapons were safely stored, and the vehicle had good clear lines of communication with their base as well as with the prison master control room.
- 4.9 Gatehouse operations were then reviewed. A number of weaknesses in search procedures were identified. However, this could be primarily attributed to the inadequacy of staff training (see further discussion below). The master control room was found to have overlapping responsibilities with regard to security (escape prevention) and routine movement within the prison, as well as after-hours response to the emergency cell-call system. This had the potential to compromise operations and required review.
- 4.10 The walk through in the industry workshops revealed various security risks that had not been addressed, although identified in previous inspections and liaison visits to the prison. In addition, staff and prisoner safety were compromised by a number of blind spots identified in some prisoner work locations.
- 4.11 Accommodation areas were inspected and found to be adequate. A review of security registers of cell searches showed that generally this function was being well performed.

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48 Her Majesty's Inspectorate of Prisons: *Expectations – Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners*, 97.

49 *Ibid.*, 131

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- 4.12 The final aspect of the prison walk through involved the general grounds areas and the perimeter security infrastructure. The inspection team was generally satisfied that there were no obvious weaknesses in the physical security environment. One main issue was identified that required management action: prisoner movement control systems were cumbersome and inefficient, and could be directly linked to the issues identified in the master control room (see [4.9]). It was therefore suggested that a comprehensive review be undertaken of escape prevention and routine movement control operations.

### SAFETY

- 4.13 Seventy-three per cent of prisoners who responded to the pre-inspection survey indicated that they either 'always' or 'mostly' felt safe in the prison. While this was a good indication of perceptions of safety by prisoners, there remained 31 per cent of respondents who stated that they either 'sometimes' or 'never' felt safe at Hakea.
- 4.14 These perceptions of personal safety were reflected in the results from the MQPL survey. Sixty-four per cent of prisoners agreed they did not have difficulty with other prisoners in Hakea, and 50 per cent reported that they did not generally fear for their physical safety. In this case a high proportion did not respond positively.
- 4.15 Responses to the pre-inspection survey items relating to perceived abuse by prisoners from other prisoners and from staff indicated relatively high levels of perceived abuse among prisoners. In relation to racism, 39 per cent indicated that this occurred between prisoners and the same number indicated that physical assault occurred between prisoners. Forty-nine per cent of respondents responded that bullying occurred among prisoners. The results were lower for the item relating to perceived abuse from staff to prisoners, with the highest scoring response of 21 per cent relating to perceived bullying by staff.
- 4.16 These relatively high levels of perceived abuse, particularly between prisoners, seem to be at odds with prisoners' responses in relation to their perceived feelings of general safety at Hakea. This anomaly between the positive perceptions of safety for prisoners (albeit in conjunction with high levels of perceived abuse) was also reflected in the Inspectorate's survey of prison staff at Hakea. Custodial officers reported feeling safe 60 per cent of the time while non-custodial staff reported feeling safe 69 per cent of the time. Despite this, however, staff reported high levels of abuse between prisoners and by prisoners against staff, particularly in relation to verbal abuse, racism and bullying.

### Anti-bullying Strategy

- 4.17 Hakea had recently introduced a new local anti-bullying strategy. The strategy involved a three-tiered approach to the consequences of bullying behaviour. Stage one was identifying the bully, but allowing him to remain in mainstream under observation. The second stage involved a management plan for the bully within Unit 1 under basic supervision, and the third stage was the removal of the perpetrator from mainstream to placement under a close supervision regime in Unit 1 for a period of time.

- 4.18 The Prisons Act 1981 and Commissioners Rules authorise the segregation of prisoners for the good government, good order, and security of prisons. There are various reasons for the separate management of prisoners who are judged to be unsuitable for mainstream placement. This could be general risk, specific events or the behaviour of individual prisoners, such as bullying other prisoners. The Inspectorate has been concerned about the criteria and practices relating to the imposition of administrative segregation for many years. In Report 1 specific concern was raised about the functioning of ‘multi-purpose’ cells for a variety of administrative segregation purposes.<sup>50</sup> The extent to which prisoners are found confined in these circumstances, rather than managed in the mainstream of high-security prisons, and the appropriateness of the specific regimes, needs to be judged against the danger of usurped authority and summary punishment. Report 8 continued this debate and called for the highest level of transparency and accountability for prisoners who are separately managed.<sup>51</sup>
- 4.19 The practical application of the Hakea anti-bullying strategy was ambiguous at best. In some circumstances prisoners were placed in segregation without being given details about allegations against them. Staff in the unit also reported that verbal placement orders were sometimes given by senior management. In the event that there was a delay in subsequent written orders being provided, the type of specific regime was difficult to construct. There were also occasions when Close Supervision placement had been ordered following allegations of assault of staff by prisoners prior to investigation and determination of these cases.
- 4.20 Making and keeping prisons safe is a complex task requiring clear standards of behaviour, dynamic security and limited use of controlled administrative segregation. The key objective in balancing risk must remain to support and encourage appropriate behaviour rather than over-reliance on punishment. In the United Kingdom a new Prison Service Order (PSO 1700) was issued in 2003 and the review of the role of segregation in the high-security estate commenced in 2004. There had been a discernible reduction in the use of Close Supervision Centres and a slight decrease in high-security segregation since the criteria and practices were scrutinised.<sup>52</sup> In Western Australia, the Inspectorate recommended that improved criteria and practices should be developed for Casuarina Prison and then applied in all secure prisons. This inspection at Hakea found that much more needed to be done to manage prisoners subject to segregation.

*Recommendation 12*

*Hakea should review the criteria and practices relating to the imposition of Close Supervision and Section 36(3) Orders.*

50 OICS, *Report of an Unannounced Inspection of the Induction and Orientation Unit and the Special Handling Unit at Casuarina Prison*, Report No. 1 (March 2001) 10.

51 OICS, *Report of a Follow-up Inspection of the Special Management Units at Casuarina Prison*, Report No. 8 (June 2002) 29.

52 HM Inspectorate of Prisons, *Extreme Custody: A thematic inspection of close supervision centres and high security segregation* (June 2006) 17.

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- 4.21 The survey results discussed above indicated that staff and prisoners believed bullying occurs frequently at Hakea, particularly among prisoners. The inspection found that while the development of a local strategy was a good initiative, it was poorly implemented, poorly integrated into the normal activities of the prison and not necessarily delivering the outcomes for which the policy was established. This finding was confirmed and reflected in the prison's own self-audit conducted in August 2006. The comment in relation to the anti-bullying policy in the audit document was that the '[I]ndications are that the Anti-bullying policy is not being utilised.'<sup>53</sup>
- 4.22 The link between an effective anti-bullying policy and safety in a prison environment is clear. An effective and systematically applied anti-bullying policy reflects a commitment to an anti-bullying culture and a zero tolerance approach to bullying. This is an essential part of a prison safety regime, as stated in the Standard Guidelines for Corrections in Australia.<sup>54</sup> HM Prison Service Prison Service Order number 2750 also provides guidelines for violence reduction strategies. The purpose of such a strategy should be 'to reduce violence, promote a safe and healthy prison environment and foster a culture of non-violence among all staff and prisoners'.<sup>55</sup> It requires a policy that is 'active and evident'<sup>56</sup> and that encompasses collective and individual responsibility for its success. Hakea's implementation of the anti-bullying policy fell short in this regard, especially given its highly vulnerable population – remandees, young offenders and first time offenders.

## PHYSICAL SECURITY

### Pre-inspection Audits and Progress against Identified Risks

- 4.23 At the time of the 2002 inspection there were some anomalies about the security strategies and processes at Hakea. The physical security infrastructure was of variable standard and the procedural security performance was uneven. Search and seizure systems were in a poor state and particular mention was made of the chaotic tool controls in the workshops.<sup>57</sup>
- 4.24 In May 2005 a comprehensive security audit of Hakea was conducted by the Department as part of the overall review of the site amalgamation strategy.<sup>58</sup> The audit identified thirty items that required planned responses and an action plan was developed to monitor progress. A separate review of the physical protective security and gatehouse operations was also conducted in September 2006. Copies of both audits and a May 2005 report against progress of the thirty items were provided to the inspection team as part of the inspection.
- 4.25 While the \$6.5 million upgrade of the perimeter and of the electronic detection systems had greatly improved the overall physical security of Hakea, it became apparent during

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53 Department of Corrective Services, *Audits and Standards, Hakea Prison Performance Summary*, August 2006.

54 *Standard Guidelines for Corrections in Australia*, 2004, [1.27] and [1.28], 14-15.

55 HM Prison Service, *Prison Service Order Number 2750, Violence Reduction*, 1.

56 Ibid.

57 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No.12 (March 2002).

58 The audit was conducted with the assistance of a team from Corrections Victoria and followed similar lines of security audits that had previously been completed at the request of this Office at other high security prison facilities in preparation for inspections (the first being at Casuarina Prison in August 2004).



the inspection that many of the 30 listed items in the action plan had not been progressed evenly. Rather, a concerted effort had been made to resolve many of the issues in preparation for the inspection in a short space of time. In some cases the quick-fix responses only served to confuse the issues even further, as the token efforts were recorded as responses to quite serious matters. For example, the number of incident reports increased significantly in the few months preceding the inspection, but the quality of that information was of little actual value (see discussion below).

- 4.26 Consequently, this Office identified a number of security risks, some of which were considered to be quite high and relatively urgent. A confidential briefing paper was prepared for the Department identifying these matters and was provided in the weeks immediately following the inspection. Due to the sensitive security nature of many of these items, they are not detailed in this report. Others that were not as sensitive are discussed in this Chapter.

### Security Strategy

- 4.27 Hakea has adopted a 'defence in-depth' strategy that combines:

- deterrence (warning signs and barriers);
- detection (alarms and guards);
- delay (fences, locks);
- response (armed and unarmed patrols); and
- detain (ability to secure prisoners).

This was to be achieved through nine integrated functional elements:

- first line external management fence barrier;
- armed emergency response unit – external to the wall;
- external microwave and Perimitrax (electronic detection system);
- primary physical barrier incorporating concrete wall and anti-grappling cowling;
- paired primary detection system incorporating above ground microwave and in-ground Perimitrax detection systems;
- internal management barrier;
- Intelli-FLEX internal early warning detection system;
- close circuit television surveillance; and
- perimeter lighting.

- 4.28 In 2001 the Department commissioned expert consultants to scope the capital works necessary to undertake the construction of the perimeter wall and installation of electronic security services, with the intention of establishing a single maximum-security standard system. Rather than planning for the system to provide the most up-to-date time rating delays, the new section of perimeter wall would simply be required to meet the standard of the existing wall that had been constructed in 1980 (with some added management barriers and electronic detection systems). So while Hakea claimed to have adopted a defence in-depth strategy, the various elements had been drawn together purely to meet a nominated design standard. This raised concerns during the inspection that the prison may need to rely

excessively on the armed response unit. The final design brief was accepted in December 2003 and the works completed in mid-2006. The final outcome may not necessarily be optimal from the point of public safety.

4.29 In addition, the inspection found that a number of the other nine integrated elements on which security was based had significant issues or shortcomings in their implementation. While security considerations do not allow an in-depth examination in this Report, they were included in the confidential briefing paper prepared for the Department. In general terms, however, some of the issues identified included:

- technology – issues regarding the functioning, maintenance and operation of a number of technologically-based security infrastructure;
- gatehouse functioning – some issues related to the proper functioning of equipment, consistency of reporting, rigour of certain procedures, and staffing levels;
- search strategies in various locations throughout the prison – strategies should be developed that include targeted and random searches applied systematically and frequently reviewed;
- information reports; and
- staff training across the site and in numerous areas related to safety and security.

4.30 The core elements of an effective maximum-security prison are: a robust standard of building architecture and perimeter infrastructure; movement control; thorough search procedures; and regular compliance testing. More than five years after the amalgamation of two contiguous prisons with different operational cultures at a capital cost of over \$32 million the physical, procedural and dynamic security systems were still not established to a satisfactory standard. It is unlikely that Hakea could function as a full maximum-security prison with an actively classified population requiring those conditions. The prison had a standard operating capacity of 618. This figure mainly represented the extent of available bed space. Contingency measures could cause the prison to increase the prison population up to 766 by adding additional bunks in the cells that were designed for single beds. Overcrowding by this means and to this extent would have implications for the safe management of the prison.

### DYNAMIC SECURITY

4.31 Dynamic security is a key element of safety. *The Report of the Task Force on Security from Corrective Services Canada*<sup>59</sup> provides the following description of dynamic security:

Dynamic security plays an essential role in the management of correctional institutions and parole offices, but the concept is neither well understood nor adequately defined.

No other factor plays such a significant role in providing a safe and secure environment in our institutions. Dynamic security speaks specifically to the relationships that exist between all staff members and the offenders with whom they work. Every interaction that occurs between these two groups of people has a cumulative effect on the overall

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59 The report is available at <http://www.scs-scc.gc.ca>

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culture of the Service. Every interaction has the potential to enhance a positive institutional culture or to undo the collective efforts of many others to improve it.

- 4.32 Inspection findings with regards to the use of dynamic security at Hakea indicated that the dynamic security system was ineffective, and certainly support the above comments that the concept was neither well understood nor adequately defined.
- 4.33 Over the six-month period of 1 February 2006 and 31 July 2006, 382 information reports were issued. Of these, only 41 were classified as relating to dynamic security. This indicated a weak approach to intelligence gathering, analysis and dissemination, which are fundamental components of an effective dynamic security system. In this regard, the dynamic security processes at Hakea did not conform to many of the standards expected nationally<sup>60</sup> or internationally, most specifically the UK expectation that effective security intelligence safeguards the wellbeing of prisoners.<sup>61</sup> The Department's intelligence system, which is arranged through a software package known as iBase, was efficient in tracking patterns and relationships and collating information in various ways. However, the intelligence generated by the system was under-utilised. The reasons behind this were unclear, but must be addressed.<sup>62</sup>
- 4.34 The UK expectation in relation to dynamic security includes reference to constructive activity to occupy prisoners. The structured day regime at Hakea was dysfunctional and certainly did not provide sufficient purposeful activities to meaningfully engage prisoners. In this respect, therefore, the dynamic security system at Hakea was further undermined by the lack of structured activity to keep prisoners occupied.<sup>63</sup>
- 4.35 Of the items that were recorded in the May 2005 security audit,<sup>64</sup> only one related to improving the dynamic security system at Hakea. This audit finding exposed the inadequacy of the dynamic security system at Hakea with regards to 'the lack of an official prison collator position to ensure that intelligence and management information is gathered, analysed and deployed from a strategic planning perspective.'<sup>65</sup>
- 4.36 Understanding the link between dynamic security and the alerts system in place at Hakea is important.<sup>66</sup> The alert system refers to the comments that are placed on the Department's electronic offender database (TOMS) that alert staff to issues of risk relating to prisoners. The alerts can relate to protection issues, feuding among prisoners, previous escape attempts, offence histories and so on. Alerts can be placed on the system very easily but are not equally easy to remove. As a result alerts that may be significantly outdated are still on

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60 With reference to the Standard Guidelines for Corrections in Australia, 2004.

61 Her Majesty's Inspectorate of Prisons: *Expectations – Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners*, 97.

62 See [4.44] for further comment on intelligence gathering.

63 See Chapter 6 at [6.3]-[6.5] and [6.15].

64 See [4.27]-[4.28].

65 Hakea Prison Security Audit Action Plan, September 2005.

66 The alerts system is referred to here specifically in the context of the effect on the safety of the prison. No doubt the alerts system will be covered in other inspection notes. This reference to the alerts system can be slotted into other notes on the alerts system.

the TOMS database. The Inspector emphasised this point in his exit debrief:<sup>67</sup>

There are no less than 18,000 alerts on the prisoner population in this State and what struck us is how readily and uncritically they can be generated and how nearly impossible it is to remove them. As a consequence both the placement of prisoners within Hakea and across the whole prison system becomes extraordinarily and unnecessarily complicated. The whole question of dynamic security through good prisoner placement and management is undermined.

The provisional recommendation made by the Inspector in his exit debrief is reiterated here, that the Department and the prison should review the alerts system.

- 4.37 The alerts system has an impact on the placement of prisoners in the prison as well as the movement of prisoners across the site (as well as to other prisons in the State). In relation to movement, the Standard Guidelines for Corrections in Australia require that prisoners' whereabouts should be known to staff at all times<sup>68</sup> and UK Expectations that prisoners' access to regimes should not be hindered by an unnecessarily restrictive security regime.<sup>69</sup> The alerts system that is in place inevitably leads to an unnecessarily restrictive movement system that does impact on prisoners' access to amenities in the prison.

*Recommendation 13*

*The Department should review the alerts system on a system-wide basis and the prison should conduct a review of its application on site.*

- 4.38 With regard to the other guideline concerning knowledge at all times of prisoners' whereabouts, the security audit conducted by Hakea in May 2005 found that, despite the requirement for prisoners to display their identification cards at all times and produce them when necessary, this was not necessarily occurring across the board. Knowing a prisoners movement and whereabouts was determined by the 'Prisoner Pass' records.
- 4.39 In addition, Hakea placed a large emphasis on the use of movement restriction as a security and safety tool. The extensive use of this control tool had an adverse impact on the delivery of a number of services, as detailed later in this Report. Throughout the inspection, staff would explain the deficit in prisoner access to a number of services, including recreation, library, education and the canteen, based on the need to restrict movement for security or safety reasons. It was not acceptable to erode prisoner access to essential services when alternative means of ensuring security could be devised.

*Recommendation 14*

*Hakea should review movement control systems so as to facilitate the reasonable access of prisoners to services and amenities throughout the prison.*

- 4.40 Results from the Inspectorate's survey of prisoners at Hakea indicated a positive relationship between prisoners and staff. Just over half (51 per cent) responded that their relationship

67 Harding, R, *Exit Debrief: Announced Inspection Hakea Prison*, October 2006, 20, 26.

68 Guideline [1.26].

69 Her Majesty's Inspectorate of Prisons: *Expectations – Criteria for Assessing the Conditions in Prisons and the Treatment of Prisoners* (2005) 97.

with prison officers was 'OK' while 41 per cent indicated that they got on with prison officers either 'well' or 'very well'. This is a good result and is consistent with one of the aspects of the UK Inspector of Prisons' Expectations in relation to prisoner safety through dynamic security, as described above.

#### INTELLIGENCE

- 4.41 The Department identified intelligence analysis and dissemination review as a high priority in 'building the foundations' of the new Department part of the Justice Reform Implementation Program. Stage one of the \$939,000 project related to the development of the intelligence portal referred to as iBASE. The iBASE system accepts overnight downloads from various corporate systems and integrates this data with existing information utilising a risk-scoring matrix to calculate the risk posed by offenders with regard to escape during movement; violence; self-harm and escape with external assistance.<sup>70</sup> The inspection team concluded that while iBASE has enhanced the potential to improve security risk management, there is a lack of service integration, with strong evidence of resistance from many prisons, including Hakea, to contribute information for analysis and to follow up on identified risks.

#### EMERGENCY PROCEDURES

- 4.42 The May 2005 security audit indicated general fire awareness and preparation in the prison was less than the acceptable standard, and the action plan progress document from 2006 indicated that this situation had not altered. On 30 June 2006 the emergency procedures for Hakea were revised and issued. Whereas the progress against agreed action relating to the May 2005 security audit recorded that 'the Superintendent is not satisfied that he has the resources to contain a fire emergency pending the arrival of the fire service', the progress report now states 'the Superintendent is confident of providing a basic rescue capability; however this is not designed to fight fire'. Another entry states 'the Superintendent does not have a register which indicates that all staff have read and understood current fire procedures'. The management response records 'currently not complied with, this requires urgent action'.
- 4.43 Schematic evacuation plans had not been completed, although this had been identified by an OSH review. This item had a completion date in the action plan of December 2006. Staff advised during the inspection that the breathing apparatus training standard was amended because the previous standard could not be met in the current training location.
- 4.44 As recently as October 2006 the lack of emergency response training, particularly for new staff, was documented. The documentation associated with the new perimeter systems had not been finalised and issued at the time of the inspection. Staff training for this was yet to be conducted.

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70 Department of Corrective Services, *Annual Report (2005–2006)*, 49.

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## PUNISHMENT AND DISCIPLINE

- 4.45 There are a number of basic principles that should be applied in examining the disciplinary regime in any facility. Prisons should deal with the discipline of prisoners openly, expeditiously and fairly within a disciplinary code established under legislation. Information relating to all prison offences created under legislation should be made available to all prisoners and all punishments should be made known to prisoners.
- 4.46 Charges at Hakea were generally processed expeditiously. The prosecution officer was a full-time position and charges were usually processed within three or four days of receiving the notification of a report being submitted. The charge was then presented within seven days to the Superintendent. A Visiting Justice generally attended weekly to conduct hearings.
- 4.47 At Hakea, there were a number of issues regarding the perceived fairness of the disciplinary process. The assessment of the inspection was that much of this appeared to emanate from the leadership vacuum that had been present within the prison. The management issues appeared to have led to a situation where custodial staff exercised a considerable amount of power in relation to the running of the prison and the treatment of prisoners. The exercise of this power was sometimes not properly accountable, and was widely regarded by prisoners as not being legitimate.
- 4.48 An extraordinarily high proportion of prisoners in the pre-inspection survey (36%) claimed to have undergone some form of punishment during their current period at Hakea, and of these, 30 per cent claimed that they really did not know what it was they were supposed to have done. This particularly related to orders under Section 36(3) of the *Prisons Act* but also with regard to the Local Order relating to close supervision. As was discussed earlier in this Chapter, Hakea has not managed the use of segregation for the management and control of prisoners in a satisfactory way.<sup>71</sup>

## CONCLUSION

- 4.49 It is recommended that the Department approach the work that remains to be done with regards to the action plan on a planned project basis, rather than by incremental improvements through efforts directed locally from Hakea. This should be in two parts. The first part is to engage expert advisers to conduct a comprehensive security infrastructure audit, with the purpose of establishing the capability of the systems already constructed, to identify gaps and to recommend improvements to achieve a contemporary maximum-security prison standard. In this regard, consideration should be given to separating the security functions (escape prevention and response) from the more routine prison operations control and good order functions (responding to the cell call system; visual surveillance within the prison; movement control away from the gatehouse).
- 4.50 The second level should be a focus on procedural and dynamic security to ensure that appropriate standards are established, that all grades of staff are properly trained, and that

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71 see [4.17]-[4.22].

compliance testing is routinely conducted. The Superintendent should receive regular reports (at least monthly), rather than rely on occasional audits.

- 4.51 The Canadian report on security proposes that dynamic security, which incorporates practices that contribute to the development of professional and positive relationships between staff members and prisoners, is a key element of safety. In terms of facility design and classification, the report proposes that the scale of prisons should be limited to 500 prisoners in order to preserve case management processes. It calls for the exploration of alternatives to the use of force on prisoners, and for enhanced standards of searching with particular attention to gatehouse procedures where all visitors and staff should be subject to the same rigorous criteria. It suggests that following appointment there should be a period of six months on the job training for new senior operational managers in which mentoring and coaching are vital components. These suggestions are consistent with the comments made during the inspection exit debrief at Hakea.

# Chapter 5

## CARE AND WELLBEING

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### VULNERABLE PRISONERS

5.1 There are a number of different groups of vulnerable prisoners, each with their own unique management requirements:

- prisoners with little or no experience of the prison system;
- young or immature prisoners;
- prisoners with mental health issues;
- prisoners with significant cognitive deficiency;
- prisoners whose offence makes them subject to bullying;
- prisoners for whom there is a real and present risk to their safety from other prisoners; and
- prisoners who are in general showing poor adjustment to the custodial setting.

Two aspects of addressing the issues of these groups were reviewed at Hakea during the inspection: the management of the overall safety of prisoners; and managing the specific safety of prisoners requiring protection.

#### Hakea's Efforts for Vulnerable Prisoners in the Past

5.2 At the time of the first inspection in 2002 there were on average around 2800 prisoners in the system with 578 in Hakea. Seventy-six of these (13%) were in protection. The pre-inspection surveys<sup>72</sup> for that inspection showed that staff and prisoners reported high levels of prisoner-on-prisoner abuse, with about 30 to 40 per cent also reporting abuse of prisoners by staff.

#### *Safety*

5.3 The Department's approach to prisoner safety (as detailed in Operational Instruction 15) stressed the need for effective awareness, identification, intervention and training in anti-bullying, which spanned all aspects of custodial management. In the past, this Office has set out the characteristics of an effective anti-bullying strategy:<sup>73</sup>

- effective monitoring and supervision by superintendents of staff at all levels in relation to anti-bullying strategies;
- effective interaction between staff and prisoners at all levels within the organisation;
- informative records kept of individual prisoners;
- regular monitoring of the wellbeing of prisoners to establish that they are safe in the prison environment;
- the training of all officers, civilians and prisoners to recognise and address bullying at all levels in the institution; and
- an effective monitoring system of addressing bullying with clearly laid down strategies

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72 Data extracted from this Office's prisoner and staff surveys conducted for the March 2002 inspection of Hakea Prison.

73 OICS, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003) [1.54].



and documentation processes.

- 5.4 When the Inspectorate last considered safety issues in Hakea Prison, however, a number of major deficiencies were evident:<sup>74</sup>
- an absence of staff training addressing bullying behaviour;
  - no prisoner training or education on how to manage bullying or have it dealt with within the prison;
  - a reluctance by the prison to directly address the perpetrators of bullying, resulting in the vulnerable being punished;
  - limited facilities to deal with bullies<sup>75</sup> such that predators and those preyed upon were accommodated in the one unit (Unit 1, the prison's punishment unit);
  - high levels of assault and abuse of prisoners; and
  - a 'dominant and pervasive culture of bullying'.<sup>76</sup>
- 5.5 In essence, in 2002 Hakea lacked an effective anti-bullying strategy and was failing to adequately deal with the safety of prisoners in the prison. As a result, the vulnerable were being preyed upon.

#### *Protection*

- 5.6 A particularly vulnerable group within the custodial setting are those who seek segregation from the mainstream prisoner population through formalised protection. Prisoners seek to access protection status for many reasons. Entering protection is not without its costs to the prisoner, as it usually results in a poorer regime for the prisoner and a stigmatisation that can make it difficult to ever return to mainstream. Recognising these negative consequences, the Department (in Operational Instruction 4) lays out a process prior to the consideration of a protection placement. This includes:
- closer supervision by officers in the prisoner's normal environment;
  - change of cell placement to be near supportive individuals or to provide for closer supervision;
  - temporary confinement in the prisoner's own cell;
  - temporary placement in an observation cell;
  - employment in an area with closer supervision; or
  - placement in another unit.
- 5.7 The Department stipulates that a placement in protection is a last resort and should only be contemplated where the prison has determined that it could not realistically be expected to manage the prisoner in the mainstream population and that there exists a real and present risk to the prisoner. This involvement of the prison in the decision process is appropriate,

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74 OICS, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003) [2.58].

75 36% of staff felt that the prison's policies and procedures for anti-bullying were effective. Data extracted from this Office's staff survey conducted for the March 2002 inspection of Hakea Prison.

76 OICS, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003) [2.56].

as research shows that effective anti-bullying policies and procedures can reduce the need for protection and in some cases remove the need altogether.<sup>77</sup> Prisons, therefore, have a significant role in ensuring the safety of their population, thus minimising the need for protection placements.

- 5.8 During 2002 and 2003 Hakea was struggling to provide a safe environment. As indicated above, the prison lacked an effective anti-bullying process. As a consequence, alternatives to protection were not being used, nor did it appear that they were being considered in the decision process. Further, there was a lack of documentation supporting the decision and a lack of meaningful review of that decision (meant to occur weekly). Therefore, once a prisoner had entered protection there was no effective process to return them to mainstream.
- 5.9 The area within the prison designated to hold protection prisoners was of very poor standard, being old and run down.<sup>78</sup> There were limited employment opportunities for prisoners, access to education and to the library was very limited and there was no provision for access to the legal library. Access to recreation was effectively limited to the weekend, with little in the way of organised recreation. Visit times were restricted and lacked variability. Many of the prisoners were double bunking with little to no process to ensure the compatibility or safety of prisoners forced to share a cell.
- 5.10 Of even more concern was the observation that safety in this protection unit did not appear to be a high priority for staff. Vulnerable prisoners were being forced to share cells with serious and serial predators. Serious incidents in the unit were not being reported to staff and, despite officers maintaining that the only way to provide safety was to ‘watch them like hawks and make sure they do not cause problems on the wing’,<sup>79</sup> staff were not venturing out into the unit or interacting with prisoners.
- 5.11 Staff lacked training in the management of protection prisoners and there was a lack of stability and input from management (from Senior Officer to middle and top level management). This was further compounded by deficiencies in staffing numbers across the prison that resulted in staff being regularly redeployed from the unit to staff other areas. This resulted, in turn, in prisoners being locked down in their cells for long periods. In the words of the Inspector, ‘the regime provided on protection amounted virtually to a punishment’.<sup>80</sup>

### What was Recommended

- 5.12 To address these issues, Reports 12 and 15 recommended that the Department and Hakea should strive to develop a culture where prisoners as well as staff understand and implement the notion that bullying and intimidation are unacceptable. Specifically, the Report urged that:

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77 HMCIP, *Durham Inspection 2002* cited in [1.31] 9.

78 OICS, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003) 23.

79 OICS, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003) [2.12].

80 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 12 (March 2002) [2.37].

- Hakea should develop protocols for the implementation of anti-bullying policies and practices.
- ‘Opportunity Reduction Strategies’ should be pursued.
- Staff training should include training in anti-bullying strategies and awareness.

It was also recommended that there should be a review of policies and procedures in regards to protection. Proper records must be kept and a case management system should be developed to review protection cases regularly. At a practical level, it was recommended that protection prisoners should not be unduly disadvantaged and staff working in protection should receive special training.

### Hakea Prison at this Inspection

- 5.13 In addressing these recommendations Hakea had implemented a range of initiatives.
- A Hakea-specific, anti-bullying policy was implemented.
  - To better target services to vulnerable and at risk prisoners, the majority of units were designated for the accommodation of special need populations.
  - To focus on prisoners at the highest levels of vulnerability, the prison introduced a classification of Intermediate Care prisoner.
  - To improve the quality of accommodation and service provision to protection prisoners, the prison’s protection unit was moved from Unit 4 to Unit 6.
  - To improve access to constructive activity for protection prisoners, the prison’s laundry was designated a protection prisoner workplace.
  - Efforts were made to improve the quality of documentation regarding protection prisoners.
  - The practice of holding long-stay, sentenced protection prisoners at Hakea for the Sex Offender Treatment Program was ceased.

### *The outcome for vulnerable prisoners*

- 5.14 The prison was good at recognising vulnerable groups and identifying prisoners fitting into those groups. In the management of these vulnerable groups the prison had elected to adopt multiple specialised accommodation units, focused on specific vulnerable groups. Consequently, Hakea had a unit for vulnerable prisoners (Unit 8), a unit for prisoners on methadone (Unit 9), a unit for out-of-country Aboriginals (Unit 3), an induction and orientation unit (Unit 7), a protection unit (Unit 6), a multi-purpose/disciplinary unit (Unit 1) and a unit for prisoners in crisis or requiring intensive care (CCU). Indeed, the prison was so specialised in regards to accommodation, that there were very few mainstream units. It should be noted, though, that in all special purpose units, except Unit 6, mainstream prisoners were also accommodated.
- 5.15 Such specialisation enabled staff working on that unit to have a better chance of recognising the specific needs of the targeted population. This was potentially useful given the lack of officer training in the management of any of these groups. In effect, however, for most of these prisoners there was little intervention beyond this clustering, which was a missed

opportunity to intervene in what were (regardless of their eventual sentencing status) chaotic and under-assisted lives.

- 5.16 As is the case in other prisons, Hakea maintained a Disturbed and Vulnerable prisoner list. These prisoners were, for various reasons, struggling to adjust to prison life. The prisoners on this list were subject to specific management plans and their management monitored through a committee within the prison. In addition to this, Hakea had Intermediate Care (IC) prisoners, a subset of the disturbed and vulnerable group with more acute needs. Over a 12-month period approximately 95 prisoners were identified on the Disturbed and Vulnerable list, with around 15 in the prison at any given time. The largest subgroup were those with significant mental health issues (50%) followed by the simply vulnerable (37%) and those with cognitive deficits or brain injuries (8%).
- 5.17 Many but not all of these prisoners were accommodated in one side of Unit 8, defined as an Intermediate Care (IC) facility emphasising safety and support. Intermediate Care prisoners were accommodated in single cells, although sometimes doubled up, and mainstream prisoners occupied the double cells in the wing. Unit 8 could accommodate up to 12 IC prisoners at any one time. The remaining prisoners on the Disturbed and Vulnerable list tended to be accommodated in Unit 7.
- 5.18 IC and mainstream prisoners from Unit 8 reported a positive relationship with most of the staff, and it was clear officers were appropriately interacting with prisoners. IC prisoners felt safe and expressed their preference for this unit over any others they had lived in within the prison.
- 5.19 Unit 8 was also designated as semi-self-care on an enhanced regime. The unit was at the rear of the prison and access to the area was restricted to residents only. Prisoners had increased access to unit-based recreation, and could cook their own meals in two 'cooking clubs', one for each side of the unit. It was therefore an attractive unit for many prisoners and sat near the top of the accommodation hierarchy. Of some concern was the view expressed by some that the mainstream prisoners 'tolerated' the IC prisoners only if they did not 'misbehave or rock the boat too much'. Because of the high risk of bullying in such a unit, it was concerning that unit meetings were not routinely conducted.
- 5.20 The mixture of mainstream and IC prisoners meant that the selection process for mainstream prisoners to reside in the unit was crucial and was appropriately placed with the Unit Manager and Senior Supervisor Regimes. While there was an application process to live in Unit 8, application forms, which come via unit managers, are often incompletely filled out or provide misleading information. One unit manager believed that units attempted to send their more difficult prisoners to Unit 8 as a means of getting them out of their units. The lack of available beds in the prison further distorted the selection process. Running at or very near capacity for long periods forced all available beds to be filled, so Unit 8 is required to accept 'the best of the worst' at times. In the past, a combination of these factors had resulted in incompatible prisoners living in the unit and at the time of the inspection, there were a number of prisoners in Unit 8 who appeared to defy the intent of

the unit.<sup>81</sup>

- 5.21 Another concern revolved around the ‘cooking clubs’ where funds were pooled to purchase food from the canteen to supplement Hakea’s kitchen supplies. In itself the club was a good innovation. Unfortunately, IC prisoners, who tended to be more chaotic and often on lower gratuity rates, were largely excluded and relied on the largesse of mainstream members for access. This opened the clubs to abuse and as a means to standover IC prisoners.
- 5.22 From discussions with the officers and the staff survey results, unit staff felt ownership of the intent of Unit 8 and that the policy and procedures for dealing with vulnerable prisoners were appropriate and effective. The set-up of the unit and its therapeutic intent was heavily dependent on the unit officers and other staff (such as the Prisoner Counselling Service) servicing the unit for its success. Consequently, any successes experienced by the unit could be strongly linked to their efforts.
- 5.23 Problems experienced in the unit included instability in the Unit Manager position. As a result, the unit relied on a continual flow of Senior Officers, many of whom were unfamiliar with the complexities of the management of IC prisoners. Also, staff had not received any training specific to managing the various vulnerable populations accommodated in the unit and, in particular, was uncertain as to the management of prisoners with mental health issues and cognitive impairment. There did not appear to be sufficient compensatory additional support in the unit to assist staff in the management of such prisoners.

*The outcome for protection prisoners*

- 5.24 Since the time of the last inspection protection prisoners had been relocated to Unit 6, which had the capacity for 77 prisoners, but at the time of the inspection was accommodating 85. Any overflow of protection prisoners was held in Unit 1, which also functioned as a disciplinary unit for difficult to manage or disruptive Unit 6 prisoners. While there was some degree of selection process as to which overflow prisoners should be placed in Unit 1, population pressures meant that sometimes this was a forced choice.
- 5.25 Efforts were made to minimise the impact on overflow prisoners accommodated in Unit 1, but their protection status and the disciplinary regimes for other prisoners in place in the unit, further diminished the regime available to them. Unit 6 had designated punishment cells that were usually empty, as the preference was to send punishment prisoners to Unit 1. The prison should re-classify these cells to standard cells.

*Recommendation 15*

*Hakea should re-classify the punishment cells located in Unit 6 as general-purpose accommodation cells and refurbish them accordingly.*

- 5.26 Due to safety concerns, protection prisoners were almost totally excluded from any form of direct contact with mainstream prisoners. Protection prisoners did not attend the Prison

81 In the weeks following the inspection a high profile offender with known organised crime associations was transferred from this Unit to Casuarina Prison for high security reasons.

Council and while they had peer support representation, these prisoners could not attend the general peer support meetings. This limited the ability of protection prisoners to raise systemic custodial issues and further marginalised this population. These blanket exclusions were not warranted and the prison should explore options to ensure their safety in the relatively controlled environments of the Prisoner Council and peer support group meetings.

- 5.27 Unit 6 was within the portfolio responsibilities of one of the peer support officers (PSO) (as were Units 7 and 1). The allocation to specific units enabled the PSO to provide an appropriate level of service to the prisoners within the unit.
- 5.28 The Department's suicide prevention training module for prisoners (gatekeeper training) that was normally restricted to prisoners on peer support was to be offered to a selected group of protection prisoners before the end of 2006. This was a good initiative for what constitutes a small but highly vulnerable population within the prison system.
- 5.29 The unit operated a limited hierarchical accommodation system. The bottom of the regime was considered to be accommodation in the overflow area of Unit 1. The top of the protection regime system was in one wing of Unit 6, which contained a microwave and had a padlock on its grill gate that enabled prisoners on that wing to access the area without requiring staff to let them through and also excluded other prisoners.
- 5.30 There was a lack of passive recreational options for prisoners within the unit and only limited access to the oval and no organised recreational options. Access to the library and law library was severely limited, with access often limited to the weekends when the library was not staffed. Access for prisoners working in the laundry was further restricted as Local Order 57 required them to seek permission from the laundry manager to attend during working hours. Education was available to prisoners not working in the laundry but only during a small window of opportunity each week. Access to mainstream religious services was recently stopped due to security concerns. Weekly services are now held within the unit.

*Recommendation 16*

*Hakea should review the amenities of Unit 6, including the outside exercise area that needs to be grassed, the recreational opportunities available, and the facilities in the self-care wing.*

- 5.31 With the allocation of the laundry as a work location for protection prisoners, staff considered Unit 6 to be a 'working unit'. Prisoners not working were labelled problematic and tended to be moved to Unit 1 or had a restricted regime in Unit 6. This was also supported through Local Orders, such as Local Order 38 that stipulated any protection prisoner refusing to work would be placed on Level 6 (nil) gratuities. In addition, prisoners who were not working could not have a TV in their cell.<sup>82</sup> This did not recognise that prisoners on remand could legally *elect* not to work. Any effort to coerce them to work through privileges such as TV access, movement around the unit or accommodation placement was unlawful and should cease.

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82 Local Order 78.

*Recommendation 17*

*Hakea should review the situation whereby Unit 6 protection prisoners may be sent to Unit 1 if they are not working, bearing in mind the rights of unconvicted offenders.*

- 5.32 Documentation showed that a paper-based form of case management planning of protection prisoners was occurring. A number of prisoners in the protection unit had submitted paperwork requesting a return to mainstream management and this had generally been endorsed at the unit level, but mostly did not result in the prisoner being moved. Higher management assessment reflected a belief that it was too risky for prisoners to re-enter mainstream at Hakea once they had accessed protection. It also appeared that all sex offenders and anyone who had requested protection would rarely be placed into mainstream. This heavily risk-averse approach failed to recognise that not all prisoners in Unit 6 are sex offenders and even for such prisoners, prisons such as Bunbury, Albany and Karnet manage mixed populations with minimal incidents. Hakea must move towards truly managing protection prisoners from protection to the mainstream environment.
- 5.33 Staff working on the unit received little or no training in managing protection populations, making it difficult for them to fully manage their unit's population. The Department also had no policy or practice of exposing officers or management to good practices in other prisons.<sup>83</sup> Consequently, the number of prisoners accessing protection at Hakea is likely to remain high despite a marked reduction in protection prisoners throughout the system.
- 5.34 The unit was staffed largely from expressions of interest, resulting in a stable officer population.<sup>84</sup> This has resulted in better relations with the prisoners, staff who are prepared to work with the populations on the unit, and better and more consistent management of prisoners. The stability also presented some challenges, such as resistance to change and entrenched negative practices. One particular issue is the effective exclusion of female officers (particularly base grade), who were not welcome. This was an unacceptable work practice and counter productive to the rehabilitation and reintegration of prisoners on the unit.

**EFFORTS TO ADDRESS SUICIDE AND SELF-HARM ISSUES****Some Statistics**

- 5.35 Prior to Report 22, Hakea had experienced five suicides over a 24-month period during 2001–2003. Since that time there had been no suicides and a reduced rate of attempted suicides and self-harm. Over the first six months of 2006 Hakea reported 30 self-harm incidents and 10 threats of self-harm. Further, the MQPL indicated that one third of prisoners in Hakea had a history of psychiatric involvement and one quarter a history of suicide or self-harm.
- 5.36 A large percentage of prisoners reported experiencing considerable distress when first entering the prison but over time this diminished, with around 70 per cent mostly or always

83 Such as Karnet Prison Farm and Bunbury Regional Prison, both of which manage traditionally protection category prisoners in the mainstream.

84 While the Senior Officer group is also fairly stable, there is some rotation.

feeling safe. Based on both staff and prisoner surveys, levels of reported abuse had also significantly decreased since 2002.

### Hakea's History of Suicide Risk Management<sup>85</sup>

#### *Reception*

5.37 The reception process observed at Hakea in 2003 was essentially efficient and courteous. Brief physical and psychological assessments were made and there were some processes to identify particularly vulnerable prisoners. A number of important deficiencies were evident, however:

- the layout of the centre meant that there was insufficient privacy for prisoners during the interview process;
- there was nothing for prisoners to do while waiting up to many hours to be seen;
- there was no defined role for peer support during the reception process;
- staff lacked training in assessing suicide risk and large numbers of prisoners (those returning to the prison from court) were not being assessed at all; and
- the reception area was staffed at its maximum during the hours 12.00 pm to 3.00 pm with a significant reduction after 7:00 pm. Consequently, during some periods of high activity, the reception centre was minimally staffed. This placed pressure on staff to process prisoners quickly, sometimes resulting in cursory processes, inconsistency and missed information.

#### *Orientation*

5.38 From reception, most new prisoners were sent to Unit 7 as the first night unit and the location where orientation would occur. The orientation process – consisting of a tour, video, discussion with the orientation officer, the PSO, peer support, and then telephone calls – was intended to ‘provide prisoners with an awareness of their entitlements, rights and responsibilities, developmental opportunities, the disciplinary process, and prison operations.’<sup>86</sup> Report 22 found that the outcome was not effectively orientating prisoners.

- The information provided to prisoners was patchy and missed core services.
- Peer support prisoners were not adequately integrated into the process.
- Resources were inadequate and the orientation officers were often allocated to other duties within the prison.
- The process occurred in one day or less (typically around 2 hours), with prisoners moved to a new unit within two days.
- Population pressures forced a continuous flow of prisoners out of Unit 7 and consequently the process was rushed.
- Allowances were not made for after-hours orientations, even though large numbers of new prisoners were received late in the day.

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85 See OICS, *The Diminishing Quality of Prison Life: Deaths at Hakea 2001–2003*, Report No. 22 (March 2004) for a more complete discussion of the suicide risk management at Hakea Prison at that time.

86 Hakea Prison Standing Order B5.



5.39 These deficiencies had led the Inspector to conclude that

[T]he procedures at Hakea Prison are mechanical, with a focus on completing a series of tasks rather than informing and inducting prisoners to better enable them to cope with the rigours of imprisonment early in their custodial period. It has become a process of ticking boxes.<sup>87</sup>

However, the processes have on balance improved since that time (see paragraphs 5.51–5.58, below) and the opening of a dedicated Orientation Unit is a good indicator that the Department and the Hakea management are seeking to achieve effective orientation.

#### *Risk management*

5.40 The Department's policies around suicide risk management stipulated a 'whole of prison' approach to the detection and management of risk factors. Management was intended to adopt a multi-disciplinary approach to devise appropriate structures to reduce a prisoner's risk of suicide and address the issues contributing to that risk.<sup>88</sup>

5.41 During the previous inspections of Hakea, this was not functioning properly:

- No oversight of this core duty of care, as no position within the Department had clear responsibility for standards, monitoring or allocation of scarce resources.
- The management options proposed little beyond monitoring and basic supply reduction (safe cell).
- Prison officers received no training in suicide or self-harm, were not engaged and there was a poor relationship between them and PCS.
- The relationship between PCS and health services was also strained with insufficient mechanisms for the sharing of information.
- PCS were under-staffed and swamped by their workload, lacking in experience and clinical supervision.
- While there were two Prison Support Officers (PSO) and 22 prisoners in the peer support group, most had not received training in the recognition and management of suicide risk.

#### *What was recommended*

5.42 To address these issues, Reports 12 and 22 recommended that the Department and Hakea should:

- review and improve reception processes;
- focus on particularly vulnerable groups such as new young offenders;
- improve the orientation process to ensure prisoners are oriented to the prison;
- deal with the communication and relationship issues within the staff group;
- clarify the on-site coordination of suicide and self-harm prevention and establish a robust Head Office supervision of such initiatives;

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87 OICS, *The Diminishing Quality of Prison Life: Deaths at Hakea 2001–2003*, Report No. 22 (March 2004) [3.31].

88 Department of Corrective Services, *Policy Directive 32 – Prisoners at Risk of Self-Harm*.

- establish a Listeners' Scheme at Hakea Prison in addition to the existing peer support system;
- improve prison officer training in suicide and self-harm prevention; and
- inventory and review hanging points at Hakea Prison and develop a management plan for their prompt removal.

### Hakea at this Inspection

#### Reception

- 5.43 The initial contact between a prisoner and staff is significant as the information collected at this time enables the needs and risks of the prisoner to be assessed. This is important as it is well understood that a disproportionate number of suicides occur soon after entry into prison. In the MQPL, 73 per cent of respondents felt worried and confused when they first came into prison and 68 per cent felt extremely alone. Reception and formal orientation are therefore, essential to prisoner welfare and to the minimisation of suicide risk.
- 5.44 Each year an estimated 21,000 movements occurred through the reception area at Hakea. Many of these were prisoners going to and returning from court, but around 4,200 were new prisoners arriving at the prison. To manage this, reception was staffed with a maximum of six officers.
- 5.45 There were essentially two processes of reception – one for existing prisoners returning after court appearances and one for new admissions. For those returning from court, contract personnel transporting the prisoner handed over to the reception staff. Prisoners already on the At-risk Management System (ARMS) were monitored while at court and this information was fed back to the reception staff via a log form. For prisoners not on ARMS, but who may have experienced a significant trauma during the court process, there was no formal process and reception staff relied on contract staff for information. Otherwise, returning prisoners were barely seen *en route* to their cell – the prisoner was searched, showered, changed into prison greens and returned to their unit.
- 5.46 For new admissions, prisoners exited the van and waited in one of four holding cells. Personal belongings were logged and placed in a holding area. The prisoner was interviewed by reception staff and a nurse who conducted a general health screening. During this process, prisoners were asked a number of questions about their state of mind and potential suicide risk. The prisoner was then searched, showered and allocated a cell, usually in Unit 7.<sup>89</sup> When asked about the reception process, 71 per cent of survey respondents indicated that they were treated with respect by the reception centre staff. Sixty-eight per cent reported having access to a telephone call (many prisoners arrive on remand without their family being aware).
- 5.47 The reception area layout was much the same as in 2003, with the exception that televisions had been placed in each holding cell. With some prisoners waiting many hours for reception processing, the televisions have alleviated boredom and stress. In addition, they now provided sufficient background noise to mask the interview conversations between staff

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89 Some prisoners may be assessed as requiring to be accommodated in the Crisis Care Unit or Unit 1.

and prisoners to provide some privacy. Concept drawings for some minor works that would improve the functioning of the reception centre had been completed, but momentum for the project seemed to have stalled. It would be valuable to the improvement of reception processes for the layout to be reviewed and minor works undertaken.

- 5.48 Reception employed a prisoner to assist with cleaning and duties such as dealing with prisoner laundry. For some time the position had been designated as a peer support position. However, the role of this prisoner in the reception process was unclear. Indeed, few prisoners surveyed (less than 25%) recalled the prisoner's presence.
- 5.49 In 2002 and 2003 a significant deficit in the reception and induction process had related to prisoners arriving after 6:00 pm. Staffing and other resources were reduced at this time and were insufficient to properly service arriving prisoners. Around 18 months ago Hakea instigated a three-officer induction team working from 2.00 pm to 10.00 pm to ensure these prisoners were not prejudiced by an insufficient reception process. Local Order 64 stated that the induction team had three purposes: full induction of after hours arrivals, assistance in reception and placement. Specific mention was made in the Local Order of the need to address 'at risk' issues. There was a clear focus on welfare needs and the care and wellbeing of late arriving prisoners. However, the initial induction remained somewhat cursory. After 10.00 pm when the induction team was no longer present, all new arrivals were sent directly to the Crisis Care Unit (CCU) where they were seen by the duty nurse, and receive a similar level of orientation provided by the induction team.
- 5.50 The reception process had undoubtedly improved from the time of the last inspection, with much greater awareness and focus on the vulnerability and risk to new arrivals. It could be even further enhanced, however, by better checks for existing prisoners returning from court and some further attention to the first night orientation of late arrivals.

#### *Orientation*

- 5.51 Orientation plays an essential role in settling prisoners into the routines of prison life and in mitigating some anxiety when they are first placed in custody. More than half of the prisoner respondents to the pre-inspection survey experienced considerable difficulty settling into the prison. Unit 7 had been designated the prison's orientation unit. Most prisoners awaiting orientation go to this unit and remain there until they have been oriented (at least three days) and a place has been found for them elsewhere in the prison. In addition, a small number of prisoners are oriented elsewhere in the prison (Unit 3, Unit 6, CCU).
- 5.52 With around 80 prisoners arriving each week (about half of these being first-time prisoners) there was constant pressure on the unit to complete the orientation process and to move prisoners out to other units. There were often insufficient beds to meet the demand on the unit. When this occurred, the Unit 7 Senior Officer placed prisoners into Unit 1 and the CCU, which have cells designated as orientation overflow. While these 'sleep-over' prisoners sleep and spend their days in Unit 1 or the CCU, their management and responsibility remained with the Senior Officer in Unit 7 and this was appropriate.

- 5.53 In selecting prisoners for 'sleep-over', the Senior Officer in Unit 7 considered whether they had completed orientation, how settled they were, previous prison experience, active prisoner alerts, and who had been on the unit longest. If sent to Unit 1, prisoners were prioritised for placement within the prison. This should have meant that a 'sleep-over' was only for a short duration, but depended on the supply of suitable beds within the wider prison.
- 5.54 A restructured orientation centre had been established since the last inspection and orientation staff were being taken away from their duties less often. The orientation centre also housed a PSO, which involved him more in the process. Three days were allocated for a prisoner to complete orientation. From a prisoner perspective, only around 60 per cent of survey respondents could recall a formal orientation process, and from the MQPL only around half of the respondents felt that it was of use to them. Prisoners indicated they mostly relied on friends or the peer support prisoner to help them settle in.
- 5.55 Despite the new systems, the inspection found the process to be formulaic and rushed. The actual orientation briefing took around 45 minutes for the officer to present from the orientation booklet. There was provision for questions, but should a prisoner lack confidence to ask questions no supplementary information or clarification would be provided. There was a strong focus on prison charges and security related detail and noticeable gaps in welfare and care related information. For example, anti-bullying is mentioned in a cursory manner and little information provided on visits or on welfare services. Nonetheless, there was general positive interaction between the officer and prisoners.
- 5.56 By allowing three days for the orientation process, Unit 7 was intended to give prisoners a less pressured introduction to the prison system. In this respect there were some problems. A large percentage of prisoners on the MPQL did not feel that staff in the unit took any interest in them or made efforts to look after them. This was a concern given the intent of the unit.
- 5.57 A peer support prisoner was residing in Unit 7 with the purpose of assisting in orientation by attending the briefing session given by the orientation officer. He also conducted a separate information and discussion session without the presence of staff to provide more practical information. The peer support prisoner also made himself available at any time to assist new prisoners with any problems. This was not a paid position, and the prisoner also had a job as a unit cook.
- 5.58 Overall orientation services had substantially improved since the last inspection. However, there remained some gaps that left some prisoners inadequately orientated before entering the mainstream prison environment. During the inspection, management committed to reviewing the process to determine the extent of any gaps and to modify the orientation process where required.

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*New young offenders*

- 5.59 A particularly vulnerable group of prisoners were new young offenders, which Hakea defines as prisoners under the age of 21 years with a cumulative incarceration of less than six months in adult custodial settings. This cumulative history (not included in Operational Instruction 16<sup>90</sup>) was added by Hakea management in recognition of the potential for young offenders to have had multiple very short attendances in the past, and yet to still be highly vulnerable. This was a positive local initiative.
- 5.60 In implementing the new young offenders' policy, there was little to guide Hakea on the nature and specific welfare needs of this group. Consequently, Hakea instigated an audit of practices and surveyed prisoners as to their needs. Based on this information Hakea developed a new young offenders' management policy. It included:
- an automatic identification alert on TOMS;
  - routinely requesting information from Juvenile Justice on the prisoner during reception;
  - any new young offender considered to have risk issues during reception is placed in the CCU for specific assessment and placement on ARMS, if required;
  - creating an alternatively coloured (orange) prisoner file to visually differentiate new young offenders in the units;
  - development of individual management plans that are reviewed after three weeks;
  - targeted induction and first night procedures, including the completion of a survey form that provides information to relevant service providers for follow up (for example, PCS, health);
  - prioritisation for attendance at short intervention programs; and
  - an automatic appointment on TOMS to see PCS, a PSO and chaplain (if relevant).
- 5.61 Prisoners from regional prisons who had already seen PCS (and had been identified as not at risk) before transfer were not given an automatic appointment. This was a concern, as the prisoner may not have been at risk in their home location with familial support, but may have been significantly at risk when removed from their familiar supportive environment. This was a particular issue for out-of-country Aboriginal prisoners. This problem needed to be addressed.

*Recommendation 18*

*Hakea should re-examine the arrangements for new young offenders to ensure that young prisoners transferred in from other prisons are assessed by PCS as to their current risk status.*

*At risk management*

- 5.62 The Department's primary tool for preventing suicides in custody is the At-Risk Management System (ARMS) that is overseen by the Prisoner Risk Assessment Group (PRAG). The ARMS process assumes a 'whole of prison' approach to suicide prevention and management of risk factors. The PRAG is intended as a collegiate system where all prison personnel with responsibility for the risk management of prisoners meet together and

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90 Department of Corrective Services Operational Instruction 16 – Placement of Young Prisoners

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devise appropriate management structures to reduce a prisoner's risk of suicide and address the issues contributing to that risk. At Hakea the PRAG met five days a week to discuss prisoners on moderate or above ARMS, and weekly to cover all prisoners on ARMS. The PRAG also had a separate round of the CCU and Unit 1 each day.

- 5.63 Hakea had an average of 72 prisoners on ARMS each month, and the average duration a prisoner spent on ARMS was less than nine days, with a wide range from one day to many months. On average PCS saw prisoners 2.1 times when on ARMS and 1.2 times for other instances. Figures for June 2006 indicated that PCS made on average 351 contacts with 225 individuals. Twenty-one per cent of these contacts were for Aboriginal prisoners (27% Aboriginals in the prison). PCS also noted a substantial increase in demand for mental health counselling and in the number of clients with significant drug related issues.
- 5.64 There was some concern that incidents of minor self-harm were not always taken seriously and were quite often regarded as manipulative on the part of prisoners. This was confirmed during attendance at PRAG and through surveys, in which 48 per cent of staff in the MQPL believed that self-harm was simply manipulative (only 18 per cent of staff disagreed with the statement). Prisoners can and have died from single such minor events, or from the cumulative impact of a history of minor or 'manipulative' events. It is imperative that minor self-harm episodes not be routinely treated as manipulative.
- 5.65 PRAG at Hakea involved the appropriate staff, including uniformed officers, PCS, the mental health nurse and the PSO. The level of input from these key groups was appropriate to each case. The chaplain was also drawn into the discussion for more isolated prisoners. Of some concern was the lack of training for uniformed staff in identifying risk and in the management of suicide risk (15% based on the survey). In line with this, a review of the ARMS forms showed that officers were providing only very basic observational information. From a prisoner's perspective, the MQPL showed mixed views, with only 36 per cent agreeing that suicide prevention was a top priority for officers, but 70 per cent feeling that the prison was reasonable in providing for those at risk of suicide and only 9 per cent felt that once on ARMS prisoners were not well looked after.
- 5.66 From a prison culture perspective, most officers (70%) felt that they had a good relationship with prisoners, with almost all (98%) feeling that their relationship was at least satisfactory. This represents a massive improvement from 2002, where only 16 per cent of staff felt that their relationship with prisoners was positive. This was supported in the prisoner surveys, where many (63%) felt that they were treated with respect and almost all prisoners reported generally getting on with prison officers. On the MQPL almost half of prisoners felt that staff had significantly assisted them during their stay at Hakea and almost all (88%) felt that they had a good relationship with their unit staff. However, the on-site inspection findings revealed that officer to prisoner relationships, which included a component of dynamic security, were less effective than officers believed. Consequently, while there has been an improvement in these relationships there is still some way to go.
- 5.67 PCS at Hakea employed 9.4 full-time equivalent (FTE) staff, plus an administrative person. In addition, the position of Manager of Offender Services was created to take responsibility

for the service. PCS had markedly improved since the last inspection, especially due to an increased stability in the work group and fewer recruitment problems. A number of factors had contributed to this improvement, including the removal from being on-call for weekends or public holidays (function now covered by the duty mental health nurse); provision of better clinical supervision; and an improvement in relations between PCS and other allied health professionals within the prison. It was also noted that PCS were more visible in the prison and that working relationships had improved between the service and other staff groups.<sup>91</sup> The overall result was a better service for prisoners.

- 5.68 PCS had recently moved into a centralised location, but continued to provide services to prisoners within their units. This had assisted the service to become more visible in the prison and, consequently, an increased number of referrals from prisoner officers and other staff and much improved professional respect. PCS was also regularly attending the training of new officers to provide information on their services. Despite these improvements, the continuing lack of consulting rooms throughout the prison meant PCS was regularly forced to use the Senior Officer's office or the day room. This was not an ideal environment to conduct their business.
- 5.69 Since the time of the last inspection, the PCS had been automatically linked to TOMS, enabling better information sharing, better coordination and improved forward booking of sessions. This included the ability to enter significant dates that automatically trigger a consultation (for example, court dates, anniversaries) and which follow the prisoner to other prisons, if necessary. In addition, all referrals not met within the specified timeframe caused an alert flag that the supervisor could monitor.
- 5.70 Another key resource in managing suicide and self-harm risk in prisons was the three PSOs and peer support prisoners. In Hakea the prisoner surveys indicated that the peer support group was well recognised and that prisoners had a good level of access. Each PSO was responsible for a separate part of the prison and a section of the peer support team. This enabled good relations with staff and prisoners and the development of sound working relationships with the officers in those units. At the time of the inspection there were 24 in the group, predominantly from Units 2, 3, 4 and 5.
- 5.71 Hakea peer support had experienced difficulties in maintaining group numbers and in ensuring an adequate representation from throughout the prison. Two main factors contributed to this; firstly prisoners in Units 8, 9 and 1 were generally difficult to engage for involvement, and secondly, security had vetoed a large number of applicants, despite many having been on peer support in the past. There were also multiple barriers to peer support accessing Unit 1, with no clear process for access.
- 5.72 Both the PSO and peer support prisoners participated in the Gatekeeper training package for suicide prevention. At the time of the inspection about half of the prisoners in peer support had not received training. The delay in training prisoners was partly due to the lack of a qualified trainer among the PSOs, however, two of them have been approved to

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91 This was particularly noticeable between PCS and health services, which had experienced significant difficulties in the past.

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complete the required training. It is important that the Department establish the role of a PSO trainer for all PSOs within the system to ensure consistency and quality among its staff.

*Recommendation 19*

*The Department should establish a training program for peer support officers throughout the Western Australian prison system and provide a trainer to deliver the required programs.*

- 5.73 The Department recently reintroduced a buddy system in allocating at-risk prisoners to shared cells. Cell sharing could come about through the request of the prisoner or by request of management. Buddies were often family members or friends but could also be peer support. At Hakea, peer support prisoners were often used for this and an explanatory brochure for prisoners was distributed. No specific training had been provided, although all peer support prisoners should have undergone the gatekeeper training module as a member of that group.
- 5.74 In 2003, this Office recommended a more formal listeners scheme, specifically for prisoners experiencing distress or suicide risk. Offender Services Branch of the Department advised the Office that they have sought funding for a Listeners' Scheme as recommended but were waiting on internal management endorsements. A free call number to the Samaritans is accessible to all prisoners on their Prisoner Telephone System account.
- 5.75 The Department had recently created the role of Manager Suicide Prevention, which also impacted positively on the management of risk at Hakea. The Manager Suicide Prevention sat on the prison's suicide prevention committee, which was responsible for the implementation of a range of suicide prevention initiatives identified through a Departmental audit in 2003. The Manager provided information to the local committee from a strategic level (from both the Department and the Government) and ensured local consistency and compliance. The committee was in abeyance at the time of the inspection, as it believed it had addressed all the issues identified in the 2003 audit. The prison maintained this view despite not reporting on outcomes beyond the completion of task lists and despite lacking specific goals outside of having a nil suicide rate. Recognising this, Offender Services intended to schedule a re-audit in 2007 that will also look at the impact some of the changes have made at a more general level.
- 5.76 Despite improving Hakea's commitment to suicide prevention, the Manager Suicide Prevention position fell short of the requirements recommended by the Inspectorate in Report 22. In particular, despite good immediate support through Offender Services, the links between this position and management within the Department were poor. Consequently, critical initiatives had languished and the coordination of risk management across the Department was inadequate. It is hoped this can be improved now the new substantive departmental management team is in place.
- 5.77 Suicide risk management at Hakea had made significant strides in improvement since the last inspection. Given the high number of prisoners identified as at risk, it was essential that Hakea make improvements in its systems for identification and management of this vulnerable group. The systems and processes were found to be better resourced, better



coordinated and better targeted. While whole groups of staff were still lacking essential training, there was good local leadership and important head office input. The improvement to PCS processes and its integration with other service providers proved to be particularly beneficial.

*Recommendation 20*

*In the context of suicide and self-harm risks, Hakea should review the at risk assessment for these prisoners, as well as the suitability of the conditions in which they are held and the services and amenities available to them.*

**BAIL PROCESSES<sup>92</sup>**

- 5.78 Chapter 1 examined the central role of bail in a remand facility, its effect on the prisoner population within a jurisdiction and the impact of inability to access bail on possible outcomes of the court process for the accused. For the reasons examined at [1.13]-[1.19], the processes and services provided to remand prisoners to assist them in the access of bail was fundamental to the functioning of Hakea.
- 5.79 The 2002 inspection found that an unnecessarily high number of prisoners were arriving at Hakea to be fully processed into the prison system, only to be released within one or two days to bail. This was seen as a waste of resources and an avoidable trauma to the prisoner and his family. While there had been some improvements in processes, the situation remained that far too many defendants were being transferred to Hakea only to be released within a very short timeframe.<sup>93</sup>
- 5.80 The bail coordinator for Hakea had occupied the position for two years and had built up significant networks outside the prison to facilitate prisoner release. The coordinator had also taken on tasks that could minimise breaches of bail conditions, such as contacting the relevant agencies, ensuring taxi fares to connecting trains or buses or to meet an appointment such as court or home detention, providing bus tickets and bus timetables and liaising with regional prisons.
- 5.81 There was significant frustration at the number of prisoners being transferred to Hakea from courts with bail orders and who are released within hours of arrival. Approximately one-third of remandees with bail who arrived at Hakea were released within 24 hours. Hakea staff felt that efforts to prevent these defendants being transferred were frustrated by court custody centre staff that would not hold defendants pending the arrival of sureties.<sup>94</sup> This led to additional work for prison officers and additional trauma for the prisoner, as once they were on the transport to Hakea they had to be processed before they could be released. This should cease.

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92 The Inspector would like to acknowledge the contribution of Ms Judith Fordham (LLB Hons) for her expert advice of the bail services at Hakea.

93 This section should be read in conjunction with the section in Chapter 1 that explores the importance of securing bail to defendants and the system generally.

94 Court custody facilities are managed under a private sector contract with limited hours of service.

5.82 Regional prisons transferred prisoners with a maximum-security rating if their next court date was more than three weeks away. Most of these prisoners were Aboriginal and were normally held until returned to the regional prison for the next court date. Difficulties with bail arose when the court converted a prisoner's appearance to a video link and bail was granted:

- upon release from custody the accused had no interim accommodation, income or support base;
- neither the prison or his family or community had the funds to pay for travel to return home;
- the prisoner had a strict timeframe within which to meet the conditions of bail; and
- transport to some regional areas was infrequent.

Such difficulties exposed the problems associated with the transfer of regional remandees from their local area, and the issue needs to be urgently addressed.

5.83 There had been real improvements in the arrangements with Justices of the Peace (JP) attending the prison to authorise releases to bail. Two years ago there was only one JP available in the prison and one externally on call. At the time of the inspection there were now 25 external JPs who were called in from time to time, with a core list who were very familiar with the system.

5.84 When the bail coordinator was unavailable during office hours, the Senior Officer Operations dealt with bail. On weekends if the Senior Officer Operations was not available the Gatehouse Senior Officer processed sureties. After hours, the Gatehouse Officer would arrange the paperwork and JP attendance with the Officer in Charge checking and releasing the prisoner. While the arrangements were appropriate, there was a lack of consistency and confidence among prison officers in processing bail matters. The coordinator conducted a series of training sessions to familiarise officers with procedures and paperwork and produced a memorandum to assist them. The Department's 'Bail Procedures' training manual produced by the Training and Development Branch in 2003 was out-of-date.

5.85 Another important issue in relation to after hours bail processing related to the inadequacy of facilities, which resulted in those wanting to post surety waiting in the car park or outside the front gate of the prison, generally for around 90 minutes. This was uncomfortable for those waiting and posed a potential security risk for staff and JPs, as there could be more people waiting than staff on roster in the gatehouse area. There was no way of communicating with persons waiting outside to go surety for a prisoner other than letting them in to the front gate area. There was an intercom but it had been broken for almost two years. This represented a significant security and control risk for staff; however, this had been rectified by the time of publication of this report.

5.86 Bail services were adequately functioning at Hakea. However, given the central importance of the function at a remand prison, it remained under-resourced. The materials the coordinator had developed were useful but did not take the place of a comprehensive manual whereby another person could take over the task of the coordinator. More

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comprehensive official arrangements should be made with court custody centres to ensure that adequate opportunities are given for bail to be posted at court custody centres rather than upon a defendant being transferred to prison.

*Recommendation 21*

*The Department of Attorney General should initiate a review of bail and remand systems across the state with a view to reducing unnecessary and unproductive imprisonment of unconvicted offenders. Particular emphasis should be placed on the question of the delays in bringing persons to trial in the superior courts.*

## ACCOMMODATION AND FOOD

### Accommodation

- 5.87 Increases in the prisoner population in Western Australia have resulted in many prison facilities accommodating prisoners in overcrowded and, in some cases, sub-standard conditions.<sup>95</sup> Population pressures at Hakea reflected this state-wide issue, which had resulted in demand for bedspace exceeding supply and had negative impacts on the accommodation of prisoners. The effects of overcrowding have been widely recognised, including a 2005 report from the National Audit Office (UK)<sup>96</sup> and the Prison Reform Trust,<sup>97</sup> and include:
- impact on prisoner out of cell hours;
  - impact on access to constructive activity, such as education, employment and recreation;
  - deterioration of relationships between prisoners and staff;
  - increased likelihood of disturbances and incidents of loss of control;<sup>98</sup>
  - delayed access to health care;
  - increased risk of incidents between prisoners (especially those sharing cells); and
  - increased likelihood of prisoners being transferred to prisons away from their local area, hence impacting on access to visits and family.
- 5.88 At Hakea, the first main impact of overcrowding related to the double bunking of prisoners in accommodation cells. Prisons are designed to accommodate specified numbers of prisoners and to exceed these numbers creates risks associated with prisoner health and safety, as well as staff safety. This Office has raised the dangers and risks associated with double bunking prisoners with the Department on a number of occasions, and specifically recommended the development of policies for the selection of prisoners subject to this practice.<sup>99</sup> The Department itself also recognised the dangers associated with this policy

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95 OICS, *Directed Review of the Management of Offenders in Custody*, Report No.30 (November 2005) xvii.

96 National Audit Office (UK), *National Offender Management Service: Dealing with Increased Numbers in Custody* (27 October 2005) HC 458 Session 2005-2006, [www.nao.org.uk](http://www.nao.org.uk).

97 Joe Levenson, Prison Reform Trust, *A System Under Pressure: The Effects of Prison Overcrowding* (November 1999).

98 See also: Lord Justice Woolf, *Prison Disturbances April 1990: Report of an Inquiry by the Right Honourable Lord Justice Woolf* (1991).

99 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 33 (June 2006) [3.26] and recommendation 4.

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some time ago, and the need to address the risks.<sup>100</sup> Despite this, at the time of this inspection the Department had yet to implement robust procedures.<sup>101</sup>

- 5.89 The second accommodation problem associated with high prisoner population related to the inability of Hakea to manage its prisoners by locating individuals in the most appropriate unit for their needs, wellbeing and security. There is limited ability within the accommodation areas to internally transfer prisoners as required, potentially placing some at risk. For example, a high profile offender was inappropriately located in Unit 8 with Intermediate Care prisoners, many of these on prescription medication. That prisoner was transferred to Casuarina Prison weeks after the inspection to provide better supervision for him.
- 5.90 Finally, overcrowding had adversely affected the prison's ability to maintain its refurbishment schedule for accommodation units. Hakea had completed phase one of a project to identify and systematically remove ligature or hanging points and install monitor cameras, and phase two was scheduled to commence in 2007. However, this did not meet the originally planned schedule.
- 5.91 More urgency should have been shown towards the development of alternative accommodation planning, which could have alleviated some of the accommodation pressures currently being experienced at Hakea and other prison facilities. As stated in Report 30, the problem will become critical 'unless a comprehensive infrastructure-building program is undertaken...planned in the context of wider government planning for justice...based on a regionalised model'.<sup>102</sup>
- 5.92 The general standard of the ten prisoner accommodation units at Hakea was acceptable, with most presenting as clean and appropriately maintained. The pre-inspection prisoner survey indicated the overwhelming majority of prisoners were satisfied with their accommodation, with 80 per cent of respondents indicating the standard of accommodation was OK or better.
- 5.93 Very few Aboriginal prisoners were accommodated in self-care and the majority of the out-of-country and regional prisoners were accommodated in Unit 3. There was a perception among custodial staff that Aboriginal prisoners preferred to be accommodated in the same unit as family or friends rather than be moved individually to self-care. This perception may be accurate and well-intentioned, and the Inspectorate does not condemn this practice. Nonetheless, more innovative policy and practice is required to encourage Aboriginal prisoners to progress through the hierarchy of accommodation to the self-care units.

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100 Ministry of Justice, *Analysis of the Risks and Opportunities of Double Bunking in Prisons* (September 1995).

101 Subsequently, the Department has started to develop processes for Cell-Sharing Risk Assessment. It is important to emphasise that these processes were never intended to replace the sensible and practical arrangements that have developed in several of the State's most overcrowded 'Aboriginal prisons' whereby informal arrangements between prisoners themselves, taking account of family feuds and skin groups, primarily drive accommodation arrangements. However, even in those prisons an awareness that ultimately the duty of care rests upon the Prison, not the prisoners, is necessary and the development across the system as a whole of the Cell-Sharing Risk Assessment instrument may be useful.

102 OICS, *Directed Review of the Management of Offenders in Custody*, Report No.30 (November 2005) xvii.

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## Food

- 5.94 The quality of food at Hakea was rated OK or better by only 48 per cent of respondents in the pre-inspection prisoner survey, and interviews with prisoners revealed a number of concerns including distrust of the regithermic (cook/chill) process, criticisms of food quality, and concern about limited variety of meals.
- 5.95 The provision of special diets for those with health concerns was, at best, ad hoc. Communication between the health centre (which must authorise such diets) and the kitchen was limited to a formal memo sent to the kitchen and forwarded to the prisoner's residential unit. Of concern to many prisoners was the lack of healthier food options, such as increased fruit and low fat milk. Karnet Prison Farm did not at the time of the inspection produce low fat milk; therefore, it was not made available within the prison system unless medically authorised for special diet purposes. Kitchen staff estimated that special diet authorisations would be halved if low fat milk were made available to all prisoners.<sup>103</sup>
- 5.96 Standard practice within the prison system is for the medical centre to approve special religious diets. The inspection team has questioned the appropriateness of this in the past and continues to do so. The kitchen does not strictly meet Halal requirements, and so most Muslim prisoners preferred to supplement what they can eat of the standard meal with purchases from the canteen. However, Muslim prisoners were very impressed with the quality of meals provided at Ramadan, which were fresh and not regithermically prepared.
- 5.97 No other culturally appropriate diets were offered. Asian prisoners had access to rice only in self-care (Unit 5 or Unit 8). At the time of the inspection, Aboriginal traditional foods were only provided during NAIDOC week and scheduled once-monthly unit BBQs, and many Aboriginal prisoners expressed the desire for a kangaroo meat option in the standard menu.

### *Recommendation 22*

*Hakea should provide more traditional food for Aboriginal prisoners and more low fat options for prisoners generally. In addition, the process used for the approval of meals based on religious beliefs should be reviewed.*

- 5.98 The kitchen was functioning well in difficult circumstances, meeting the huge demand required in servicing not only Hakea, but also some part of meals for Casuarina Prison and the East Perth Lock Up. Given the demands on the kitchen, its physical environment was poor. Much of the equipment was aging or rusting, there was inadequate freezer, fridge and storage space, and the general layout complicated processes and access. Kitchens within the units were also generally in poor repair and required refurbishing. Of concern were a number of blind spots in the kitchen that potentially compromised staff and prisoner safety. A CCTV monitoring system would alleviate these concerns.

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103 Karnet Prison Farm maintains a dairy and produces the milk supply for the Western Australian prison system, and as of mid February 2007 has provided low fat milk which is now the only milk issued to prisoners at Hakea.

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### CANTEEN AND TOWN SPENDS

- 5.99 Hakea had two canteens, one located in the east section of the prison and the other in the west. With over \$1 million per year turnover, it is the biggest canteen in the Western Australian prison system. The canteen staff were also responsible for updating TOMS prisoner property records of electrical and non-consumable items purchased by prisoners from the canteen.
- 5.100 The pre-inspection prisoner survey found 80 per cent of surveyed prisoners were satisfied with the canteen services, with the majority of complaints relating to cost increases. Weekly changes in provider costs meant prices were not stable, though the prison was absorbing these when possible. Between 1 June 2006 and 8 September 2006, 27 items on the canteen list had increased in cost.<sup>104</sup>
- 5.101 The canteen service at Hakea was poorly resourced, with only one officer at each of the two canteens to service the needs of over 650 prisoners. The physical environment was limiting, with both canteens being too small to store sufficient stock for such a large demand. It also prohibited the stocking of anything but the most popular items. There was a large amount of duplication in administrative tasks undertaken by the officer in charge of each canteen, which seemed unnecessary given the heavy workload they experienced. Both canteen officers<sup>105</sup> expressed a preference for a single canteen, which would eliminate duplication of duties, and having two staff for the service would facilitate smoother functioning.
- 5.102 Prisoner access to canteen services was well organised and supervised so as to reduce bullying and theft. However, the locations of the canteens, coupled with the strict security regime in place, had significant detrimental impacts on prisoners' access to some other services, particularly recreation. This was because access to recreation outside of the units was prohibited when prisoners were accessing the canteen. Having one canteen in an appropriate area of the prison could minimise and perhaps eliminate this.

### Recreation

- 5.103 The disruptive impact of other activities on recreation gave the perception that recreation was not considered an important aspect of prisoner services. The absence of a structured day regime, as discussed in detail in Chapter 6, had contributed to recreation becoming an activity that seemed to occur only if other events of the day permitted. Prisoners recognised the problems in accessing recreation and only around half of the respondents to the pre-inspection survey stated that access to any form of recreation<sup>106</sup> was adequate. A distinct lack of structured or organised recreational activity by the prison had been allowed for too long. The prison had failed to plan and provide activities.
- 5.104 At the time of the inspection there was one substantive Recreation Officer who was assisted by an Industrial Officer and was reliant on staff rosters to cover a third position. Staff rostered to work in the gymnasium were often transferred to accommodation units to cover

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104 Three items had also decreased in price.

105 Both canteen officers at the time of inspection were acting in these positions.

106 Specifically the law library (49%), gym (51%), unit based (55%), oval (52%) and organised (58%).

staff absences, with the consequence that the gym would be closed. Staff shortages also impacted on prisoner access to the library, which would also close if recreation staff were absent or the designated uniformed officer was relocated elsewhere.

- 5.105 Access to recreation was also affected by a lack of cooperation between accommodation units. While it was inevitable that the high volume of movements of the remand population in and out of the prison would increase the difficulty of scheduling recreation for these prisoners, a structured day regime would ensure that access was maintained. The approach to planning recreation was reactionary with little evidence of structured planning.
- 5.106 Hakea had commissioned a review of recreation services available at the prison, which was scheduled to be completed in November 2006. It will assess the roles and responsibilities of recreation officers, the availability of structured and passive recreation for prisoners, and will also look at the recreation opportunities for older prisoners and those with disabilities. It will also analyse the role of external providers. This was a positive step that may be the first in the improvement of accessibility of recreation to prisoners at Hakea.

#### *Law Library*

- 5.107 Some improvements had been made to library services since the time of the last inspection; most markedly, the relocation allowed improved access for some prisoners, the range of materials had improved somewhat and some computers added. Despite this, a number of issues were identified with the library and prisoner access to legal resources during the inspection.
- 5.108 The dedicated library officer made every effort to facilitate the needs of remand prisoners for legal materials. The officer had no law library training, which would have been of significant benefit in a remand facility setting. The officer was self-taught in many fundamental aspects of legal library practice and did not have access to a general internet search engine that could assist prisoners. Departmental policy that does not facilitate library staff access to such services is primitive – other Australian jurisdictions facilitate such access to staff and prisoners and it is time the Department institute similar modern practices.
- 5.109 Unfortunately, the inspection also revealed that a number of uniformed officers did not seem to be supporting the needs of remandees to access legal resources. An exercise conducted by the Inspectorate indicated that some officers were possibly being obstructionist in denying remandees access to the law library. When a prisoner was first called to the library, officers were not made aware it was at the Inspectorate's request and the prisoner was not instructed by staff that he was required at the library. When it was subsequently made clear to unit staff that it was the Inspectorate that had requested the prisoner to attend the library, the prisoner arrived within minutes. Some prisoners and staff stated that some officers treated access to the library for legal purposes as a privilege, not a right. If this was so, it was bordering on unlawful behaviour. There were also allegations of officers using denial of access to the law library as a punishment tool. This was not acceptable. Hakea management must take a firmer line in ensuring prisoner access to legal materials.

5.110 Other operational issues also impacted on prisoner access to the legal library, including:

- officers permitting access in accordance with the policies relating to the recreational library and so only allowing access during recreation time;
- no movement policy during canteen spends periods prohibits law library access during this time;
- protection prisoners in Unit 6 cannot use the library if other prisoners are present;
- the location of the law library is not central to the prison, hindering access;
- availability and willingness of officers to escort prisoners to the library;
- the library is not included in the orientation process; and
- staff training every Wednesday morning resulted in prisoners being locked in their cells.

5.111 There was no catalogue of law library materials, until one was created following a request from the Inspectorate. What was finally provided demonstrated that the resources available were inadequate and out-of-date. As a remand facility it is essential that criminal law, family law and federal law materials be current and extensive. The quality and quantity of resources available at the time of the inspection could have jeopardised the ability of self-represented defendants to properly prepare their case and the Department must commit some resources to this end.

5.112 There was sufficient evidence to support the case for Hakea to retain a legally trained member of staff on a permanent basis, to assist in bail issues<sup>107</sup> and with regards to self-represented defendants. In addition, management must establish and enforce a policy that ensures access for remand prisoners to the law library resources and services.

*Recommendation 23*

*Hakea management should ensure that library access is reasonably available to unconvicted or appeal class prisoners at all times during the normal prison day as is required under law. Efforts must also be made to improve the resources available in the legal library.*

## HEALTH

### General Health Services

5.113 The Hakea Health Centre received approximately 120 to 140 new patients each week, with the majority of its services relating to the screening and assessment of all new prisoners. Health centre staff believed that the design of the facility did not encourage the most efficient delivery of services and with increasing prisoner numbers this would only worsen.

5.114 The centre was staffed by a Clinical Nurse Manager (Monday to Friday), two Area Managers (between them providing seven days per week coverage) five registered nurses rostered everyday, plus two on afternoon shift and one overnight). General practitioner sessions were provided by rostered doctors on the metropolitan doctors' roster, with Hakea usually receiving 10 or 11 sessions per week.

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107 See [1.13]-[1.19] and [5.78]-[5.86] with regards to this issue.



- 5.115 Health services at Hakea had been adversely affected by factionalism within the nursing staff, exacerbated by a widely publicised incident in February 2006. Following the investigation of this incident an independent grievance officer was engaged to assist in rectifying relationships between staff, a review of processes and procedures took place and a transition team was appointed to oversee the implementation of recommended changes. It is important that all staff commit to continuing to move forward from the incident and ensure that the health services to prisoners are not compromised. The difficult situation at the prison had not been helped by the lack of a clinical leader at head office. Hakea faced the same issues as other prisons within the system as to the difficulty of conducting what was essentially a nursing practice in the absence of a Director of Nursing.
- 5.116 The impact of these issues on health services was confirmed by the inspection in many ways. More than half of the prisoner respondents to the pre-inspection survey felt there were problems with health services. More than 130 prisoners made specific comment on what they perceived as deficiencies in the service. Almost 100 of these were complaints about the time taken to be seen in all aspects of the service from general medical to specialists and dentistry. The majority of the remaining complaints centred around what prisoners saw as a rude or disregarding attitude from the nursing or medical staff.
- 5.117 Problems with health services were also reflected in:
- the fact that the most numerous telephone complaints from Hakea to the Ombudsman in the last year related to medical and health matters,
  - a report from the Office of Health Review indicating that there were considerable delays in obtaining responses to matters sent to the Centre following prisoner complaints;
  - some quite serious complaints received by the Health Consumers Council; and
  - results from the MQPL survey showing that the worst aspect of individual care related to health services, which prisoners considered were poorer than those they would have received in the outside world.

*Recommendation 24*

*The chronic problems involved in the management of the Health Centre, as identified in this Report and from numerous other reviews and inquiries, must be addressed as a matter of the utmost urgency. These matters include not merely the interpersonal problems within the Centre but the range of service delivery problems identified during this inspection.*

- 5.118 A new appointment booking system for prisoners had recently been introduced in an effort to address some of the problems associated with the delay in securing appointments. A medical receptionist had also been appointed to coordinate the system and ensure it operated at its optimum. It is hoped these initiatives may address a number of the concerns raised by prisoners in the survey.
- 5.119 Another significant issue for the centre was the introduction of Webster Packs to facilitate the distribution of medications through pre-dispensing rather than having to hand it out from generic packets. This system was introduced without the necessary supporting

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practical arrangements having been completed, namely, locked cupboards in each of the units. Moreover, the fact that there were such frequent movements of prisoners within the prison to different accommodation units added to the complexity, raising questions as to whether it was appropriate for Hakea. Consultation with the people on the ground who had to make the new system work was allegedly negligible, and some suggestions regarding implementation were ignored. At a time when the workforce was extremely fragile, change without supporting planning and processes exacerbated the problem.

5.120 With regard to mental health, a mental health specialist was on site Monday to Friday (until 4.30 pm) and two mental health nurses were rostered seven days a week for 18 hours during the day. The State Forensic Mental Health Service provided services ‘as required’, at the time of the inspection constituting three sessions per week. Staff believed they were coping with the demand and that acutely psychotic prisoners were seen urgently by the GP or after a short time by the visiting psychiatric service. The system had also improved with the new relationship between the Crisis Care Unit and the Intermediate Care facility, Unit 8, offering an extra dimension to the possibilities emerging for mentally ill people. Despite this, there was an excessive workload for two mental health nurses, which would only increase as Unit 8 became more functional as an Intermediate Care unit. The resources available for mental health services should be reassessed in light of the new arrangements and increasing prisoner population.<sup>108</sup>

#### Drug and Alcohol Issues<sup>109</sup>

5.121 As the primary remand and reception prison in Western Australia, the majority of Hakea’s prisoners came into custody direct from the community. Many prisoners came into the prison in crisis and in some cases suffering substance withdrawal. The management of unstable prisoners who were yet to be fully assessed and may be displaying behavioural and health risks associated with drug withdrawal put a unique set of pressures on the prison.

#### *Previous inspections*

5.122 The inspection of Hakea in 2002 and the 2001/03 review of deaths in custody at Hakea both raised issues that were re-examined during this inspection. *Report No. 22: The Diminishing Quality of Prison Life: Deaths at Hakea Prison 2001–2003* discussed in detail the links between substance use and suicide risk. The seven deaths in custody reviewed in Report 22 each involved prisoners with significant alcohol and drug use problems, two having recorded episodes of speed-induced psychosis. In one case the family of the deceased expressed concerns that inadequate treatment for drug withdrawal in Hakea had contributed to their family member’s death. Acknowledging that the majority of prisoners who committed suicide and self-harm had drug problems, a number of submissions to the review called for improved training and better operational staff access to at-risk information. Whether staff training had improved to meet the growing impact of drug use on the prison was examined as part of this inspection.

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108 Further discussion of mental health services and services to prisoners at risk of suicide and self-harm can be found at [5.1]-[5.80].

109 The Inspector would like to acknowledge the participation and contribution of Ms Dace Tomsons, of the Drug and Alcohol Office, in the Inspection of these services during the Inspection.

5.123 Comparisons were also made with the findings of the 2002 inspection which noted that measures in place to reduce drug supply and usage in the prison were inadequate. Recommendation 6 from the 2002 inspection recommended that the random urine testing protocol be clarified and improved.

*Drug use in the Hakea population*

5.124 Information from the prison census data showed that drug related offences were the most serious offence for eight per cent of prisoners. As census data records the most serious crime committed, these figures underestimate the contributing factor that alcohol and drug use has in other offending. According to the Hakea Prison Drug Plan, 38 per cent of prisoners attribute their re-offending to drugs.

5.125 Between 17 March 2006 and 30 June 2006 the Prison Addictions Service Team (PAST) at Hakea screened 224 prisoners for alcohol and drug use.<sup>110</sup> Screening was accompanied by a brief intervention counselling session.<sup>111</sup> Results for the three-month period supported what has been known anecdotally, that prisoner drug use is dramatically higher than in the broader community. When compared to the general community, prisoners received at Hakea were:

- 15 times more likely to report recent use of amphetamines;
- three times more likely to have used cannabis;
- five times more likely to have used cocaine;
- 75 times more likely to have used opioids;
- seven times more likely to have used benzodiazepines;
- nearly four times more likely to smoke cigarettes; and
- drink slightly less alcohol.

Twenty-seven per cent reported using amphetamine on a daily basis in the three months prior to entering prison, 32 per cent were using cannabis on a daily basis and nine per cent were using opioids daily. Forty-three per cent reported having injected drugs in the previous three months, which compares to 0.4 per cent in the broader community.

5.126 This survey provided, perhaps for the first time in the Western Australian prison system, valuable evidence on the true extent and nature of drug use among prisoners.<sup>112</sup> ASSIST screening provided a picture of the extent of use which could then inform the planning process and allocation of resources, alert the prison system to the types of drugs being used and identify new trends. The PAST team had applied to extend ASSIST screening and this should be supported by the Department and extended to all prisons.

110 The PAST team used ASSIST (Alcohol, Smoking and Substance Involvement Screening Test), a standardised tool, widely used in screening for alcohol and drug use. Early indications are that ASSIST screening is an effective tool for identifying recent history of substance use by offenders prior to entering prison. Additionally, the screening provides detailed information on the risk levels of use of those substances.

111 Brief intervention has been shown to be only slightly less effective than long term counselling in achieving change.

112 Although alcohol and drug histories are taken as part of assessment, this information is not collated.

*Recommendation 25*

*The Department should support the extension of the ASSIST screening of prisoners at Hakea, and the program should be expanded to all prisons throughout Western Australia*

**Drug strategy and planning**

5.127 The inspection found that Hakea had a sound Local Drug Plan based on the universal template provided to all prisons by the Department Drug Policy Unit. However, there was no funding allocated for its implementation and all initiatives had to be implemented within existing resources. As appropriate to a maximum-security receiptal prison, the emphasis in the Plan lay with security measures to address the supply of drugs into the prison. There was less emphasis on demand reduction strategies such as programs and counselling.

5.128 To its credit Hakea established a Drug Strategy Committee in April 2006, which had been meeting regularly for the past six months. Recent initiatives had included the preparation of a psycho-stimulants training package for custodial staff, review of the urinalysis procedures and planning for the Drug Free Unit. All these were excellent and appropriate initiatives that should be continued. The group also provided an opportunity for management, custodial and health staff to exchange information and provide specialist input to projects.

**Drug security issues**

5.129 The 2002 inspection found that drug prevalence testing was inadequate. Although tests were now being conducted as required, the sample size remained statistically insignificant and few firm conclusions could be drawn from the data.<sup>113</sup> Test results showed 10 per cent positive results but this was within a two per cent to 18 per cent confidence range. Everyone with a positive result was charged.

5.130 Security staff and prisoners described the drug use at Hakea as coming in 'peaks and troughs' depending on who is in the prison. As not all prisoners were tested and amphetamines last in the body for a maximum of 48 hours, many staff suggested that the level of use was higher than testing would indicate. Of note had been the increase in the number of syringes found in the prison. In the months preceding the inspection, one or two were found each month. This was a high number compared to other prisons. Security management attributed this increase in detection to increased vigilance and encouragement for prisoners to turn in syringes anonymously.

5.131 Hakea was the base for the passive alert drug detection dogs that service the entire prison system. The unit had been resourced with additional dogs and was able to meet demand. Of significance was their absence on a regular basis at Hakea on the weekends, the busiest visiting period. This was due to staffing at the gatehouse not being adequate to provide the searches that would be required following an indication by the dog. Additional staffing, including adequate female staff should be provided so that regular dog patrols can be established for the weekends.

113 The small sample size is a system wide problem and approval has been given to extend testing in all prisons from July 2007 to give a statistically significant result. Plans are to extend testing at all prisons to four times a year. Casuarina, Bandyup and Hakea will also be required to do an extra 5% of the population twice a year.

5.132 Staff training in drug issues also seems to have remained unchanged since the 2002 inspection. Custodial staff, health service staff and counselling staff, all raised concerns about lack of training. Alcohol and drug issues were not included in the regular staff training program and only 25 per cent of custodial staff and 22 per cent of gatehouse staff reported having had any drug awareness training in the pre-inspection staff survey. Sixty-three per cent of staff self-assessed as being competent in dealing with drug offenders. Considering the very high number of prisoners with alcohol and drug issues, and that one-third of staff felt that they had inadequate training in this area, the arrangements for the training of staff were unacceptable. The last corporate supported and funded alcohol and drug training occurred in November 2004. The lack of training was of particular concern for staff stationed in the main unit that accommodated the methadone program.<sup>114</sup>

*Recommendation 26*

*Training for all custodial, counselling and health staff in relation to drug and alcohol issues should be conducted and supported by the Department and Hakea management.*

*Unit 9 and opiate replacement pharmacotherapies*

5.133 The inspection found that Hakea was good at managing its methadone prisoners. Assessment on intake appropriately identified prisoners on methadone and re-established dosing in a timely manner. Prisoners wishing to go onto the program were assessed and managed appropriately. At the time of the inspection Hakea had 35 prisoners on methadone and two on buprenorphine.

5.134 Unit 9 housed most of the prisoners on methadone, with these prisoners being subjected to additional targeted drug testing.<sup>115</sup> Staff expressed concerns that there was no testing for buprenorphine, which was used illicitly within the unit. Unit 9 prisoners were generally satisfied with how the unit operated and the management of the methadone programs. Prisoners were dosed in the unit and this proceeded smoothly.

*Management of prisoners suffering withdrawal symptoms*

5.135 Since the time of the last inspection, amphetamines had become perhaps the most significant drug issue for Hakea. Prisoners withdrawing from amphetamines are prone to agitation, restlessness and at times paranoid and aggressive behaviour that can be complicated by pre-existing mental health or behavioural problems. Further, poor impulse control is exacerbated by amphetamine use. A time-limited detoxification medication regime was offered at Hakea through health services. However, prisoners complained that the amount of medication was inadequate.<sup>116</sup>

114 See the following section for a discussion on the methadone program.

115 A small number are also housed in Unit 1 and Unit 6.

116 Withdrawal from amphetamines is often difficult to distinguish from other poor behaviour patterns. As many of the withdrawal symptoms are behavioural and there is no physical risk associated with withdrawal, medications are given more to help calm the patient and make them more comfortable. Demands for additional medications are understandably treated with caution in a drug-seeking population. The regimes offered by Prisons Health Services are minimal and are time- and dose-limited to reduce hassling for additional medications.

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5.136 The propensity to violent and disruptive behaviour can pose a management problem for prison staff. Withdrawing prisoners, who may also be behaving badly, were sent to Unit 1, the management unit. The high number of this type of prisoner being sent to Unit 1 was posing a significant pressure on the unit, especially given the lack of specific training for staff in dealing with prisoners withdrawing from drug use. It is recommended that a drug withdrawal unit, supported by counselling and health services staff, be established as more appropriate management of prisoners in withdrawal.

*Recommendation 27*

*A drug withdrawal unit, supported by counselling and health services staff, should be established as a more appropriate management strategy for prisoners in withdrawal.*

*Staff*

5.137 As discussed above, health services at Hakea were experiencing significant dysfunction and this had impacted on the Prison Addictions Service Team (PAST) staff. Maintaining a stable staff had proved difficult and while there was a core of very experienced staff, there was some question regarding the PAST training of some team members. The activities of the PAST team had recently been extended to include all drugs, not just pharmacotherapies. Although the expansion was a positive move, staff felt that the plan had not been clearly articulated or developed consultatively. The PAST team was a valuable resource within the prison and with additional resources should be encouraged to engage more in training others.

5.138 Particularly pleasing was the highly positive and cooperative relationship that had been built up between the Prison Counselling Services and health services. Such multidisciplinary case management was a positive example for all prisons and helps to provide the best possible services for prisoners.

*Drug counselling services*

5.139 Prison Counselling Services (PCS) had experienced a large increase in demand for its services, caused by the increase in amphetamine users in Hakea. PCS estimated that approximately 80 per cent of its work was related to the management of behaviour associated with amphetamine withdrawal and prisoners at risk because of mental health and drug co-morbidities. The service deals with crisis intervention and prisoners at risk and has no capacity to provide long-term counselling.

5.140 Staff expressed the need for a plan to manage unstable prisoners, who were spending their time ‘bouncing in and out of Unit 1’ as the Crisis Care Unit within the prison was unable to handle the behaviours. Counselling staff reported instances where prisoners coming out of the forensic unit at Graylands Hospital were going straight back into Unit 1, where staff were not trained to manage such high needs prisoners. There had also been no specific training in the management of amphetamine related problems for PCS staff, although about half had a background in working with alcohol and drug problems.

*Drug programs*

5.141 Hakea offered the Brief Intervention Service program (BIS) for prisoners, which provided a four-hour information session about motivation, relapse prevention and awareness training.

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Contracted providers from Outcare delivered the program, having the advantage of being able to link participants to its external programs upon their release. Recently, an additional two-hour program in anger management was added. Selection for participation was based on court appearance dates, with the assumption that all prisoners had some addiction issues. It was compulsory to attend a short information session and optional to stay for the remainder of the program. Staff reported that about 50 per cent elected to stay. The program was only funded from its external source for another two years, and the Department should assume responsibility for and continue the program beyond this time.<sup>117</sup>

## VISITS

- 5.142 As a remand facility, Hakea facilitated visits seven days per week, with each remandee entitled to one visit of one-hour duration each day. Sentenced prisoners entitlements were determined by their privilege level, ranging from one visit of one-hour duration per week, up to four one-hour visits per week. Figures provided by the prison showed that in May 2006 Hakea processed 4,729 individual visitors to prisoners.<sup>118</sup> Given this large number, the service was provided very efficiently and with the appropriate respect shown to visitors and prisoners. Seventy per cent of respondents to the pre-inspection prisoner survey indicated that they were satisfied with the visits service provided at Hakea.
- 5.143 A significant issue for visits related to the impact of the drug detection dog on the length of visits. The process involved with the dog moving along a line of visitors to detect substances can result in the hour-long visit being shortened by a significant amount. The process should be reassessed and amended in order to eliminate this occurring.

### *Recommendation 28*

*Hakea should review the processes involved in the use of the drug detection dog on visitors to ensure that the length of visits is not significantly impacted.*

- 5.144 Hakea provided a bus service from the Cannington Interchange terminal to the prison four times per week at a nominal cost to passengers. While the service operated effectively for visits to mainstream prisoners, it did not coordinate with scheduled visiting times to protection prisoners, special category visits and family incentive visits. At times when the service was not available, visitors had to make private arrangements, as there was no public transport that passes by the prison.

### *Recommendation 29*

*The Department should ensure transport is available for visitors to and from Hakea and the neighbouring public transport hub at Cannington for all of the different visiting sessions.*

- 5.145 Outcare was the contracted provider of support services to the prisoners, their families and visitors including occasional childcare services (five days per week) and the organisation of family activities to celebrate significant events including NAIDOC Week, Mother's

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117 For more in-depth discussion regarding the Brief Intervention Program, see Chapter 3.

118 This number does not include official visitors (eg. lawyers).

Day, Father's Day and National Families Week. Outcare staff reported having good communications with prison officers in the visits area.

#### ABORIGINAL PRISONER SERVICES

- 5.146 A team of four from the Aboriginal Visitors Scheme (AVS) regularly serviced Hakea four days per week. The AVS were particularly aware of the self-harm and suicide risks among the prisoner population at Hakea and were working with the prison to assist with prevention among the Aboriginal prisoner population. The efforts of the AVS were recognised by the Aboriginal prisoners, with 81 per cent of Aboriginal respondents to the pre-inspection prisoner survey indicating that they found it effective. The team met with management daily to debrief and discuss relevant issues. However, the scheme would benefit from better coordination with other staff that were providing services to Aboriginal prisoners.
- 5.147 The inspection found, however, a deficiency in the access of Aboriginal prisoners to appropriate spiritual leaders, in particular elders from their own cultural groups. At the time of the inspection there was no elders program operating at Hakea, and the visitors from the Aboriginal Visitors Scheme cannot address this deficiency as it has a totally different role.

#### *Recommendation 30*

*Hakea Prison should establish an elders program for Aboriginal prisoners*

#### SPIRITUAL NEEDS

- 5.148 Hakea generally encouraged and facilitated the spiritual needs and practices of prisoners. Regular services were conducted by appropriate religious leaders from the most practiced faiths, and prisoners of other faiths could request the attendance of those from faiths that do not routinely attend. A process was in place for prisoners requiring special diets due to their faith but, as stated previously, the health centre was not the most appropriate arbiter of a prisoner's need for such a diet.

#### COMPLAINTS AND GRIEVANCES

- 5.149 The 2002 inspection of Hakea found that the introduction of the formal grievance process was somewhat hampered by low levels of support and cooperation from staff. Since 2002, the process whereby a complaint must try to be resolved at the lowest possible level and only escalated if this cannot be achieved, had been introduced. The current inspection found, however, a widespread distrust of the internal complaints and external grievance system by prisoners. The inspection confirmed recent findings by the Ombudsman that the Department's complaints process in general 'has shortcomings in the key elements of a good complaint handling system, that is, in the areas of accessibility, efficiency, fairness and accountability.'<sup>119</sup>

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119 The Ombudsman of Western Australia, *Own Motion Investigation into the Department of Corrective Services' Prisoner Grievance Process* (May 2006) 3.



- 5.150 Information regarding the internal grievance process formed part of the new orientation process, but there was little information about external complaints mechanisms (such as the Ombudsman or Office of Health Review). There was also very little information throughout the prison informing prisoners of their rights or options for complaint. Existing information was exclusively in English. Interviews with prisoners indicated a low level of knowledge about their complaint options. Even more problematic was the lack of availability of grievance forms, which were generally located within control rooms, meaning prisoners had to ask staff for them if they wanted to submit a complaint.
- 5.151 The view overwhelmingly expressed by prisoners was that they risked victimisation by resorting to the grievance or complaints system. It was also suggested to the expert inspection team members from the Ombudsman's Office that many prisoners feel so disempowered that they do not even think it is worth phoning to bring their problems to the attention of the Ombudsman. Whether victimisation in fact occurs or not, this perception means that the system has become useless as prisoners will not use it. This, again, reflects the finding of the Ombudsman that the process 'does not appear to provide sufficient basis for the public or for prisoners themselves to have confidence in the system for complaint handling.'<sup>120</sup>
- 5.152 Many prisoners also believed that mail to external complaints agencies that was supposed to be confidential was being opened and intercepted by some staff. There was one central point for the administration of all confidential prisoner mail. However, there was only a register of incoming confidential mail received by prisoners, and not one for mail being sent out. An undertaking was given during the inspection that this practice would commence to help provide some confidence to prisoners that mail was not being interfered with. Confidential mailboxes were also located in inappropriate locations in the direct line of sight of uniformed staff, which acted as a disincentive for prisoners to use them as it identified them as making a complaint to an external agency.
- 5.153 Hakea must act to address the problems found during the inspection with regard to the complaints systems at the prison and ensure that prisoners feel confident that they will not be victimised by making a complaint. Without addressing the problems identified, the system will remain ineffective and useless to prisoners.

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120 Ibid, 4.

# Chapter 6

## REPARATION

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### PURPOSE OF PRISONER EMPLOYMENT IN A REMAND FACILITY

- 6.1 Reparation encompasses a range of prisoner activities undertaken during incarceration, most often employment, education, training and volunteer work. The Department of Corrective Services Policy Directive 25 outlines the purposes of reparation within the prison system. Firstly, it reflects the notion that prisoners can to some extent repay the community for their crimes by the use of their labour in ways that benefit the community, either directly through the provision of goods or services, or indirectly, by reducing the cost burden of the prison system. Secondly, it recognises that participation in employment may also benefit prisoners by providing skilling or work experience that may increase employability upon release, as well as some activity to fill the day and a gratuity to the prisoner.
- 6.2 In a remand and assessment facility such as Hakea, prisoner employment has the following purposes:
- Encouraging prisoners to take responsibility for their own domestic care – the community can reasonably expect that as far as practical, prisoners meet their own domestic needs by doing their own laundry and food preparation and cleaning their living areas.
  - Good management of prisoners by the provision of constructive activity and a means to pay gratuities. Most prisoners want to engage in constructive activity and receive an income, however small, to fund their personal needs. Prisons can become ungovernable without these opportunities.
  - Preparation for release by the provision of skills and experience that can assist in effective reintegration into the community. In principle, this can involve work readiness, specific work skills, recreation skills, various kinds of life skills and general education.
- 6.3 The *Prisons Act 1981* requires that all prisoners must be prepared to be employed during their imprisonment if they are deemed medically fit.<sup>121</sup> Prison Regulation 43 also states that all fit prisoners must work.<sup>122</sup> However, these provisions do not apply to remand prisoners. Regulation 43(2) stipulates that ‘a prisoner on remand shall not be required to work’. However, a remand prisoner may apply to work (regulation 43(3)). The Standard Guidelines for Corrections in Australia also requires that ‘where work is available, remand prisoners should be offered the opportunity to work, but must not be required to work’.<sup>123</sup>
- 6.4 While the majority of prisoners at Hakea were on remand and therefore not required to work, there was still a duty for all prisoners to be given the opportunity to engage in ‘meaningful employment’.<sup>124</sup> In addition, a substantial number of sentenced prisoners also resided at Hakea and had to be provided constructive activity. Hakea, therefore, had to be able to provide employment and other reparative activities for all the prisoners it accommodated.

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121 Section 95(2).

122 *Prison Regulations 1982*.

123 Standard Guidelines for Corrections in Australia (1996) 5.19.

124 Department of Corrective Services, Policy Directive 25.

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- 6.5 Employment activities constitute an integral part of the structured day that a prison should have for its prisoners. The purpose of a structured day is to engage prisoners in high levels of meaningful activity contributing to the objectives of normalisation and order within the prison. Central to the idea of a structured day is what is meant by ‘meaningful activity’. Without sufficient organised meaningful activities for prisoners, especially employment, it is not possible for a structured day regime to exist within a prison. The structured day can then be constructed to include a combination of those activities that are meaningful to the prison’s specific population.
- 6.6 The inspection of Hakea, therefore, examined to what extent a structured day regime was provided for prisoners and particularly the level of meaningful employment activity provided for prisoners.

## UNEMPLOYMENT AND UNDER-EMPLOYMENT

- 6.7 During the orientation process at Hakea each prisoner was asked whether he was prepared to work. A refusal to work by any prisoner, even those on remand, resulted in no gratuity being received, in line with Prisons Regulations, and consequently, most prisoners indicated a willingness to work. Prisoners willing to work but without a work assignment provided were then placed on the lowest level of gratuity of \$16.87 per week (Level 5). As shown in the following table (based on figures taken on one working day during the inspection<sup>125</sup>), 277 (40.9%) of prisoners did not have employment. Of these, 265 were receiving Level 5 gratuities as willing to work but not allocated a work location.

| Employment Area            | Number | Per cent | Aboriginal | Non-Aboriginal |
|----------------------------|--------|----------|------------|----------------|
| Education/Training         | 8      | 1.2%     | 1.5%       | 1.0%           |
| Industries/Services        | 222    | 32.8%    | 16.8%      | 39.3%          |
| Unit-based Work            | 170    | 25.1%    | 20.9%      | 26.8%          |
| Nil Work/Restricted Regime | 277    | 40.9%    | 60.7%      | 32.8%          |
| Total                      | 677    | 100.0%   | 100.0%     | 100.0%         |

- 6.8 Although there was no information available as to why individual prisoners had not been allocated work, staff at Hakea generally provided two main reasons for the high proportion of unemployed prisoners. Firstly, a large number of remandees spent only short periods of time in the prison and were released before being allocated a position. Secondly, there was a lack of employment opportunities available, an issue that will be discussed in more detail below. The high proportion of unemployed prisoners also caused problems for unit-based prison staff, who had to manage large numbers of prisoners with little to occupy their time within the accommodation units, and this had implications for security and safety.<sup>126</sup>

125 3 October 2006. All prisoner employment numbers used in this Chapter relate to the figures on this particular day during the Inspection.

126 See discussion of this issue in Chapter 4.

- 6.9 Those prisoners who had employment could be divided into two broad categories: those engaged in accommodation unit-based work such as cleaning and serving food, and those engaged in the various industries and services and in education in other parts of the prison. The inspection found a significant difference in the meaningfulness of the work between the two categories. This was caused by each job within a unit having been broken down into such small tasks (to increase the number of workers required within the unit) that in many cases it could be completed by just 10 to 20 minutes work per day and rarely more than an hour or so. It has had the effect of making such positions a pay point to secure a gratuity rather than a genuine work position. So while approximately 59 per cent of prisoners had been allocated a work location at Hakea, the inspection found that there was a significant amount of under-employment in terms of quantity of work, and serious questions about the meaningfulness of that work in what it provided to the prisoner.
- 6.10 Units 8, 9 and 10, which once required only five workers, were employing as many as 36, 27 and 24 respectively. Despite requiring such small amounts of time to complete, only 11 per cent of these Unit workers were on the lowest employment level used at Hakea, Level 4 at \$22.82 per week. Others are engaged at Level 1 (22% at \$53.55 per week), Level 2 (35% at \$41.02 per week) and Level 3 (32% at \$32.20 per week).
- 6.11 The relative generosity of gratuities received by prisoners working in the units also operated as a major disincentive against applying for positions in more productive areas within the prison. Discussions with Vocational Support Officers (VSO) during the inspection reflected frustration with trying to employ prisoners from Units 8, 9 and 10, where the highest numbers of unit-based workers are concentrated.<sup>127</sup> Hakea also lacked a single staff member responsible for the coordination of prisoner employment, and any officer was able to assign a work placement for a prisoner. This sometimes resulted in VSOs losing workers from their workshops without any consultation or warning, making it very difficult for workshops to be effectively managed.

#### INDUSTRIES AND SERVICES

- 6.12 Employment outside of the accommodation units provided examples of better practice, but still with some significant issues. The kitchen and laundry were outstanding in the number of prisoners employed (52 and 49 respectively on our sample day) and in the opportunity to work for an extended period in a productive workshop. As essential services, prisoners were required to work longer hours and operated regardless of other activities within the prison. The numbers assigned to each work location took into account that a proportion of the workforce could be absent on any given day due to court commitments, official appointments, medical appointments, social visit sessions and other legitimate absences.
- 6.13 The volume of work in laundry and kitchen was significant, with both servicing the needs of other justice facilities in the metropolitan area. In the case of the kitchen, food was also prepared for Casuarina Prison, for Police lock ups throughout the state, and currently

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127 Barrier control and distances from workshops also pose real difficulties for workers from these Units.

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for the Central Law Courts Court Custody Centre. The laundry also serviced Casuarina Prison, Rangeview Remand Centre and the Police Watch-houses in Perth.

- 6.14 Elsewhere, there were 23 prisoners assigned to the garden, 20 to panel and paint, 17 to concrete products, 15 to the cleaning party, 13 to domestic services, nine to the cabinet shop and eight to education. There were also a number of workplaces engaging one to three trusted prisoners, such as maintenance, the canteens, reception, orientation and boiler-house. The work provided in these locations provided better opportunities for prisoners to learn skills that could assist in securing employment upon release. The work ethic expected was also more in line with that of employers in the community.
- 6.15 However, actual attendances at these workshops still only amounted to an average of between 3.5 and 4 hours per prisoner per day, and there was often a discrepancy between the number of prisoners assigned to each location and the number actually attending each day. The reasons for this were not just related to court and other official absences caused by a remandee's status. Other reasons included:
- frequent movement controls and lockdowns for various security reasons, including vehicle movements, contractors on site, searches, muster checks, emergency exercises, and so on. Workers are also unable to move to industries during the morning methadone clinic, which is often not completed before 8.30 am when work is supposed to start;
  - lockdown to facilitate staff training each Wednesday morning;
  - lack of relief staffing for VSOs. Key work areas simply close in the absence of a VSO, as occurred in the garden area during the period of the inspection.
  - VSOs taking only a few of their assigned workers for a particular session due to the nature of the task;
  - participation by the prisoner in other activities such as education, training or recreation; and
  - scheduling of canteen spends during work hours. Prisoners must complete spends during the time allocated to their accommodation unit and must stay in their unit until attending the canteen, often missing a whole work session.
- 6.16 The inspection found that the daily schedule at Hakea was a barrier against productive activity rather than being the focus of a structured day. This represented a significant under-utilisation of VSOs and Education Officers as well as of the substantial infrastructure for constructive activity in the prison and of the human resource potential of the prisoners themselves. The lack of organisation around a structured day concept resulted in employment at Hakea performing poorly and not providing the expected benefits to prisoners or, in reparative terms, to the community. This was despite the best efforts of motivated and dedicated VSOs, who were becoming increasingly marginalised from management and the uniformed staff.
- 6.17 Instead of a positive re-positioning of industries at Hakea as envisaged at the time of the last full inspection in 2002, the prison had seen the removal of eight VSOs, the closure

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of the automotive workshop and the removal of much of the metalwork equipment from another workshop. At the time of the inspection, Hakea was operating with 37 full-time equivalent VSO positions, with no component for relief. Despite requesting a further 12 VSOs as part of a recent staffing review, the indication was that only three further staff would be approved by head office. Hakea management believed that they would be unable to adequately address the deficiencies in employment at the prison without a substantial investment in human resources, specifically the appointment of more VSOs.

- 6.18 There had been some excellent office furniture, metal trolleys and fencing produced in these workshops for the prison, but the volume of work was not very high, future requirements were less than certain and only a handful of prisoners were employed in vast workshops that could have safely accommodated many more workers. Work demand was often supplemented by producing goods for sale to prison staff and their associates.
- 6.19 Appointment to positions within the workshops was primarily through prisoner word of mouth, or direct request to the VSO. A staff member responsible for the coordination and appointment of employment for prisoners would greatly improve the ability to fill workshop positions, and to better schedule and complete work within the workshops.
- 6.20 There was a large deficiency in the ability of workshops to provide formal training for prisoners. Only the kitchen and gardens had organised links with education in facilitating formal training. While VSOs were willing to provide practical training, there was no evidence of structured processes to enable prisoners to obtain formal qualifications in most work areas.<sup>128</sup> The inspection found that Hakea was well equipped to provide industry-based training, so the lack of activity in this area was not based on inadequate facilities. Staffing levels were provided as the primary cause, with existing staff having little time to dedicate to even the basic activities required in the shops, let alone training. While the high number of prisoners on remand would impact on the regularity of attendances in education and training at Hakea, there was enormous potential for participation.

*Recommendation 31*

*The Department should conduct a full regimes review to establish an appropriate structured day regime for this population. This must include consideration of the need for and provision of appropriate non-uniformed staff to support a structured day regime.*

## ABORIGINAL PRISONER EMPLOYMENT

- 6.21 Aboriginal prisoners were significantly over-represented among unemployed prisoners at Hakea. This reflected the situation found at most prisons throughout Western Australia with regards to Aboriginal representation in prisoner employment. On 3 October 2006 during the inspection period, Aboriginal prisoners comprised approximately 30 per cent of the total prisoner population, yet constituted nearly 61 per cent of prisoners without a work

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<sup>128</sup> Tutors have on occasion attended at certain workshops to assess prisoners for short course certificates but, at least for Vocational Support Officers, this appears to have been on an ad hoc basis. A significant project to develop a Breathing Apparatus training area jointly between industries and education demonstrates what can be achieved.

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location or who were on a restricted regime. This compared with 32.8 per cent for non-Aboriginal prisoners.

- 6.22 Aboriginal prisoners were also over-represented in unit-based employment at Hakea; only 18.3 per cent of the prisoners being given a work assignment in industries, services or education were Aboriginal. Only four of the work areas outside of the units engaged an appropriate proportion of Aboriginal prisoners: the garden, the laundry, concrete products and education.<sup>129</sup> At the time of the inspection the kitchen had retained just two Aboriginal workers among its assigned workforce of 52 and most other workshops and key service positions engaged no Aboriginal prisoners at all.
- 6.23 One explanation provided to the inspection team for the low representation of Aboriginal prisoners in industrial employment areas was that Aboriginal prisoners tended to have shorter stays on remand and were therefore less likely to be given a substantial work assignment. However, it was also likely that more Aboriginal remandees lacked strong work skills and experience making some industrial areas reluctant to take on workers that needed more intense supervision and support. With most work areas supervised by a single VSO, and struggling to maintain productivity, prisoners with experience and motivation were preferred to those without.
- 6.24 The employment situation of Aboriginal prisoners was an indicator that the prison was failing to provide a satisfactory range of work placements that contributed to preparation for release through the provision of new experiences and skills in the world of work. It also indicated that a strategic approach was required to ensure that the distribution of opportunities to participate in constructive activity was far more equitable.

## SENTENCED PRISONER EMPLOYMENT

- 6.25 Industrial workshops and service provision areas relied quite heavily on the maintenance of a pool of stable workers to ensure that production remained on track and obligations to fulfil supply were met. These prisoners were also relied on by the single VSO in each work location to assist in the supervision and training of other prisoners. For the most part, such key workers were longer-term remandees or sentenced prisoners.
- 6.26 As a remand and assessment facility, Hakea should have ideally been focusing on its primary functions and directed resources to this purpose rather than retaining sentenced prisoners. Under Departmental Policy Directives, sentenced prisoners were supposed to move on to another prison after 28 days, but a substantial cohort in fact continued to reside at Hakea, for a variety of reasons, including population pressures across the system. Sentenced prisoners had a range of needs including access to rehabilitative programs and further education, training, work experience and re-entry services which typically could not be afforded in a remand and assessment facility. They could also normally expect to reside in a more stable environment and possibly a more favourable regime or standard of accommodation, for example, on a prison farm or work camp.

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<sup>129</sup> Only protection prisoners work in the laundry. All protection prisoners in Unit 6 are expected to work. This is further discussed in the section on Protection Prisoners.

- 6.27 During the inspection, VSOs expressed a great degree of frustration with their inability to retain desired key sentenced prisoner workers despite requests for certain prisoners to be given priority to stay at the prison. A proposal from Hakea Business Services to create a Key Worker policy to retain such people was not acted upon, which created uncertainty, difficulties managing these work areas and perceptions of unfairness in decision-making. This was another indicator that employment at Hakea lacked direction and was not given priority as part of a strong structured day regime within a prison.
- 6.28 A comprehensive review of sentenced prisoners at Hakea should be undertaken with a view to determining how these prisoners impact on the primary function of the prison as a remand and assessment facility. Such a review could well reveal that the retention of a cohort to help provide services to remandees, including key workers, peer tutors and peer supporters is both desirable and achievable. In the meantime, with such a significant sentenced prisoner population being accommodated at Hakea, a strategy should be developed to address how their particular needs should be met and at what point transfer becomes an essential part of their Individual Management Plan.

#### VOCATIONAL SUPPORT OFFICERS

- 6.29 At the time of the inspection Hakea was staffed by 37 full-time equivalent Vocational Support Officer (VSO) positions to service its population of over 650 prisoners. The previous inspection found that VSO staff were often diverted from their primary tasks to assist other operational areas that were short-staffed, resulting in their service areas being unable to function. With the exception of the recreation officer, VSOs were no longer required to relieve staff in units.
- 6.30 Since the 2002 inspection, about half of the VSOs had undergone essential training in prisoner management and security. They also appeared to be appropriately supported on a day-to-day basis by their line management. Equipment in critical areas had been appropriately maintained or updated and consumables were well supplied.
- 6.31 However, during the inspection many VSOs expressed a high level of frustration with their ineffective work situations, for the reasons discussed above. This was exacerbated by the lack of relief staffing for casual absences or, in some cases, even for planned leave. There were serious workplace safety issues for many of them, including blind spots in workshops, inadequate supervision (whether by VSOs or other uniformed staff) and a perceived lack of patrolling by the recovery team. There were no effective search processes in place in the workshops to prevent tools or pieces of metal being taken away which would seem a major risk in a maximum-security prison. The lack of an effective tool monitoring system had been identified in their own internal security audit in 2005. Consequently, the action plan that was developed to progress the deficiencies that had been found in the review stated that *the entire process surrounding tool control is currently being reviewed in line with new state-wide standards.*<sup>130</sup> There was, however, no evidence of this at the time of the inspection in October 2006.

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130 Hakea Prison Security Audit Action Plan, September 2006.



## REPARATION

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### *Recommendation 32*

*Hakea should provide better support for Vocational Support Officers by way of relief arrangements, so that the activities for which they are responsible continue when they are on leave or otherwise absent from work.*

### *Recommendation 33*

*Hakea should progress the review of tool control at the prison as stated in the security audit action plan.*

## CONCLUSION

- 6.32 Hakea lacked a structured day regime that would ensure that reparative activities and, in particular, prisoner employment activities, had a role in the organisation and control of the prison. Such a structured day regime would bring a greater focus on providing the opportunity for all prisoners, regardless of their sentenced or remand status, to participate in constructive, meaningful activities that could benefit the community and the prisoners. It is essential that Hakea address this.
- 6.33 A complex situation faces the prison that is obligated to provide meaningful activities for a population that is predominantly not obliged to participate. It is incumbent upon the prison to target its activities towards its primary prisoner demographic and make the employment opportunities relevant to that population.

# Chapter 7

## RECOMMENDATIONS

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### CHAPTER 2

#### *Recommendation 1*

*The Department should immediately initiate procedures for appointing a substantive Superintendent of Hakea with a commitment to a three-year minimum term.*

#### *Recommendation 2*

*The Department should, with the input of the appointed Superintendent, review the senior management structure at the prison and in the light of that review, appoint persons to these positions promptly.*

#### *Recommendation 3*

*The Department and the prison should address the question of Senior Officer appointments at Hakea with a view to filling those positions substantively.*

#### *Recommendation 4*

*The first three recommendations should be implemented as soon as possible, and if necessary the Department should appoint a small human resources taskforce to conclude these matters without delay.*

#### *Recommendation 5*

*The prison should set up a Women's Committee to address issues of the employment and treatment of women at Hakea.*

#### *Recommendation 6*

*The prison should survey and monitor custodial staff intentions with regard to retirement to ensure a planned approach to maintaining a full complement of staff with sufficient experience.*

#### *Recommendation 7*

*A Training Needs Analysis should be conducted for all categories of staff— senior management, line management, civilian staff, custodial staff, vocational support officers and administrative staff— and an appropriate schedule of training put into place.*

#### *Recommendation 8*

*The Department should undertake a complete infrastructure audit, including a specialist security review<sup>131</sup> in order to provide a firm basis for future upgrades to the prison.*

#### *Recommendation 9*

*The optimum population cap for the prison as it is currently configured should be set at around 600, but in the event of numbers exceeding a safe cap (as determined by the Department) a range of compensatory measures should be developed and put into place to minimise the effects of the level of unsafe overcrowding.*

### CHAPTER 3

#### *Recommendation 10*

*The Department should support and fund the continuation of the Brief Intervention Services and explore whether they can be extended so as to contain a therapeutic element.*

#### *Recommendation 11*

*Hakea should review the arrangements for assigning disciplinary officers to the education centre, with a view to ensuring that occupational health and safety considerations are properly met and that classes are not cancelled because of a lack of a disciplinary officer.*

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131 See [4.4]-[4.12] for further support for this recommendation.

## RECOMMENDATIONS

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### CHAPTER 4

#### *Recommendation 12*

*Hakea should review the criteria and practices relating to the imposition of Close Supervision and Section 36(3) Orders.*

#### *Recommendation 13*

*The Department should review the alerts system on a system-wide basis and the prison should conduct a review of its application on site.*

#### *Recommendation 14*

*Hakea should review movement control systems so as to facilitate the reasonable access of prisoners to services and amenities throughout the prison.*

### CHAPTER 5

#### *Recommendation 15*

*Hakea should re-classify the punishment cells located in Unit 6 as general-purpose accommodation cells and refurbish them accordingly.*

#### *Recommendation 16*

*Hakea should review the amenities of Unit 6, including the outside exercise area that needs to be grassed, the recreational opportunities available, and the facilities in the self-care wing.*

#### *Recommendation 17*

*Hakea should review the situation whereby Unit 6 protection prisoners may be sent to Unit 1 if they are not working, bearing in mind the rights of unconvicted offenders.*

#### *Recommendation 18*

*Hakea should re-examine the arrangements for new young offenders to ensure that young prisoners transferred in from other prisons are assessed by PCS as to their current risk status.*

#### *Recommendation 19*

*The Department should establish a training program for peer support officers throughout the Western Australian prison system and provide a trainer to deliver the required programs.*

#### *Recommendation 20*

*In the context of suicide and self-harm risks, Hakea should review the at risk assessment for these prisoners, as well as the suitability of the conditions in which they are held and the services and amenities available to them.*

#### *Recommendation 21*

*The Department of Attorney General should initiate a review of bail and remand systems across the state with a view to reducing unnecessary and unproductive imprisonment of unconvicted offenders. Particular emphasis should be placed on the question of the delays in bringing persons to trial in the superior courts.*

#### *Recommendation 22*

*Hakea should provide more traditional food for Aboriginal prisoners and more low fat options for prisoners generally. In addition, the process used for the approval of meals based on religious beliefs should be reviewed.*

## RECOMMENDATIONS

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### *Recommendation 23*

*Hakea management should ensure that library access is reasonably available to unconvicted or appeal class prisoners at all times during the normal prison day as is required under law. Efforts must also be made to improve the resources available in the legal library.*

### *Recommendation 24*

*The chronic problems involved in the management of the Health Centre, as identified in this Report and from numerous other reviews and inquiries, must be addressed as a matter of the utmost urgency. These matters include not merely the interpersonal problems within the Centre but the range of service delivery problems identified during this inspection.*

### *Recommendation 25*

*The Department should support the extension of the ASSIST screening of prisoners at Hakea, and the program should be expanded to all prisons throughout Western Australia.*

### *Recommendation 26*

*Training for all custodial, counselling and health staff in relation to drug and alcohol issues should be conducted and supported by the Department and Hakea management.*

### *Recommendation 27*

*A drug withdrawal unit, supported by counselling and health services staff, should be established as a more appropriate management strategy for prisoners in withdrawal.*

### *Recommendation 28*

*Hakea should review the processes involved in the use of the drug detection dog on visitors to ensure that the length of visits is not significantly impacted.*

### *Recommendation 29*

*The Department should ensure transport is available for visitors to and from Hakea and the neighbouring public transport hub at Cannington for all of the different visiting sessions.*

## CHAPTER 6

### *Recommendation 30*

*Hakea Prison should establish an elders program for Aboriginal prisoners*

### *Recommendation 31*

*The Department should conduct a full regimes review to establish an appropriate structured day regime for this population. This must include consideration of the need for and provision of appropriate non-uniformed staff to support a structured day regime.*

### *Recommendation 32*

*Hakea should provide better support for Vocational Support Officers by way of relief arrangements, so that the activities for which they are responsible continue when they are on leave or otherwise absent from work.*

### *Recommendation 33*

*Hakea should progress the review of tool control at the prison as stated in the security audit action plan.*

# Appendix 1

## THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

| Recommendation  | Acceptance Level/Risk Rating/Response  |
|---|--|
| <p><b>Staffing issues</b></p> <p><i>Recommendation 1</i></p> <p>The Department should immediately initiate procedures for appointing a substantive Superintendent of Hakea with a commitment to a three-year minimum term.</p>  | <p><b>Supported/Acceptable</b></p> <p>The Department has completed the selection process for the position of Superintendent and is presently making arrangements to establish a commencement date. It is intended that the initial appointment will be for a four year period.</p>                               |
| <p><b>Staffing issues</b></p> <p><i>Recommendation 2</i></p> <p>The Department should, with the input of the appointed Superintendent, review the senior management structure at the prison and in the light of that review, appoint persons to these positions promptly.</p> | <p><b>Supported/Low</b></p> <p>The Department in conjunction with the appointed Superintendent will review the senior management structure at the prison. The Department will move to fill identified vacancies as soon as possible thereafter.</p>  |
| <p><b>Staffing issues</b></p> <p><i>Recommendation 3</i></p> <p>The Department and the prison should address the question of Senior Officer appointments at Hakea with a view to filling those positions substantively.</p>   | <p><b>Supported/Acceptable</b></p> <p>The Department undertook a Senior Officer Selection Process in 2006, which is currently being reviewed by the Public Sector Standards Commissioner (PSSC). The Department will progress the appointment process having regard to any recommendations made by the PSSC.</p> |
| <p><b>Staffing issues</b></p> <p><i>Recommendation 4</i></p> <p>The first three recommendations should be implemented as soon as possible, and if necessary the Department should appoint a small human resources taskforce to conclude these matters without delay.</p>      | <p><b>Supported in part/Acceptable</b></p> <p>The Department is committed to addressing recommendations 1-3. The appointment of a Hakea specific human resource taskforce will not be necessary to achieve these results.</p>  |
| <p><b>Staffing issues</b></p> <p><i>Recommendation 5</i></p> <p>The prison should set up a Women's Committee to address issues of the employment and treatment of women at Hakea.</p>   | <p><b>Supported/Low</b></p> <p>A women's Committee has been implemented at Hakea Prison. The Committee members were nominated by female staff and selected by ballot. It comprises of three custodial and three non custodial staff.</p>   |

| Recommendation   | Acceptance Level/Risk Rating/Response   |
|--|---|
| <p><b>Staffing issues</b></p> <p><i>Recommendation 6</i><br/>The prison should survey and monitor custodial staff intentions with regard to retirement to ensure a planned approach to maintaining a full complement of staff with sufficient experience.</p>  | <p><b>Supported/Acceptable</b></p> <p>This is not a Hakea specific issue and is therefore being addressed by the Department as a State-wide issue. This is an ongoing process.</p>  |
| <p><b>Staffing issues</b></p> <p><i>Recommendation 7</i><br/>A Training Needs Analysis should be conducted for all categories of staff – senior management, line management, civilian staff, custodial staff, vocational support officers and administrative staff – and an appropriate schedule of training put into place.</p> | <p><b>Supported/Low</b></p> <p>An organisational Training Needs Analysis has recently been conducted and as a result of this, training has been scheduled within the Strategic Training Plan. It should be noted that operational skills training is conducted on a weekly basis for all custodial officers (including Senior Officers) located at Hakea Prison. A further training needs analysis will be undertaken with specific focus on the skills required to adequately perform operational tasks. Identified training needs will be incorporated into the existing training schedule.</p>                           |
| <p><b>Correctional value-for-money</b></p> <p><i>Recommendation 8</i><br/>The Department should undertake a complete infrastructure audit, including a specialist security review in order to provide a firm basis for future upgrades to the prison.</p>  | <p><b>Not Supported/High</b></p> <p>As previously advised during the inspection, the Department has commissioned a review in 2001 by Consultants Gutteridge Haskins &amp; Davey Pty Ltd (GHD) which informed the Departments Capital Investment Plan and includes \$39.576M (unfunded) to Upgrade Hakea Prison commencing in 2011/2012. This review will be revisited if and when Government agrees to fund the upgrade. Consequently the Department will not commission a further review. A specialist security audit has been completed and is in the final stages of a Quality Assurance process by SKM Consultants.</p> |

| Recommendation  | Acceptance Level/Risk Rating/Response   |
|---|---|
| <p><b>Care and wellbeing</b></p> <p><i>Recommendation 9</i></p> <p>The optimum population cap for the prison as it is currently configured should be set at around 600, but in the event of numbers exceeding a safe cap (as determined by the Department) a range of compensatory measures should be developed and put into place to minimise the effects of the level of unsafe overcrowding.</p> | <p><b>Supported in principle/Acceptable</b></p> <p>The Department is not able to establishing “caps” on prisoner populations in any prison.</p> <p>The preference is to monitor and manage the prisoner population on a state-wide basis, addressing the prisoner population pressures on all facilities and ensuring no one facility bears the pressure excessively.</p> <p>To this extent, the Superintendent Prison Operations works with the Assessment Teams at Hakea, Casuarina and other prisons to ensure a balanced management of the prisoner population issues across the state.</p> <p>To minimise the effects of overcrowding, the Superintendent regularly reviews the regimes and practices and operation of the prison such that compensatory measures are developed and implemented.</p> |
| <p><b>Rehabilitation</b></p> <p><i>Recommendation 10</i></p> <p>The Department should support and fund the continuation of the Brief Intervention Services and explore whether they can be extended so as to contain a therapeutic element.</p>   | <p><b>Not supported/Low</b></p> <p>Brief Intervention Service (BIS) is a low intensity drug awareness information session delivered by an external contractor and has been funded from Drug Awareness Strategy funds up to 30 June 2007. There is no evidence of any positive effectiveness of BIS in relation to recidivism or substance use reduction. It is not part of the Offender Services recurrent budget beyond 30 June 2007, and as it is not a medium or high intensity clinical intervention program aimed at high risk/high need offenders, it will not be continued. The current resource is being redirected into targeted offence specific treatment intervention for high risk/high needs offenders.</p>   |

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

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| <b>Recommendation</b>   | <b>Acceptance Level/Risk Rating/Response</b>   |
|---|--|
| <p><b>Rehabilitation</b></p> <p><i>Recommendation 11</i></p> <p>Hakea should review the arrangements for assigning disciplinary officers to the education centre, with a view to ensuring that occupational health and safety considerations are properly met and that classes are not cancelled because of a lack of a disciplinary officer.</p> | <p><b>Supported/Low</b></p> <p>The Hakea Education Centre has two Disciplinary Officers assigned to the area for 8 hours per day Monday to Friday. Occupational Health and Safety requirements are met with all staff within the area assigned Personal Alarms. Staff perform a roving patrol of all areas within the Centre. The practice of removing a staff member from the area to cover other functions within the prison has ceased and both Disciplinary Officers remain within the Education Centre.</p>   |
| <p><b>Custody and security</b></p> <p><i>Recommendation 12</i></p> <p>Hakea should review the criteria and practices relating to the imposition of Close Supervision and Section 36(3) Orders.</p>  | <p><b>Supported/Low</b></p> <p>The Superintendent will monitor closely the implementation of S. 36(3) to ensure their use complies with both the letter and the spirit of Policy Directive 3 which outlines the criteria for the placement of offenders within a restricted regime.</p>  |
| <p><b>Custody and security</b></p> <p><i>Recommendation 13</i></p> <p>The Department should review the alerts system on a system-wide basis and the prison should conduct a review of its application on site.</p>  | <p><b>Supported in principle/Acceptable</b></p> <p>The Department is cognisant of the importance of the alert system. Its effective management is severely impeded by current population numbers. However, every effort is made to give effect to alerts.</p> <p>The Department is preparing a scoping document identifying review parameters. A State-wide review will be conducted when resources are available and once the Department has addressed other priorities.</p> <p>A review of individual alerts is formally conducted as part of a prisoners' induction into Hakea Prison and again during the assessment process. A review of the alerts process conducted in 2007 at Hakea Prison shows a gradual increase in the deactivation of alerts over the previous two years. The prison will review alerts again in July 2007.</p> |

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THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

| Recommendation  | Acceptance Level/Risk Rating/Response  |
|---|--|
| <p>Care and wellbeing</p> <p><i>Recommendation 14</i></p> <p>Hakea should review movement control systems so as to facilitate the reasonable access of prisoners to services and amenities throughout the prison.</p>   | <p>Supported in principle/Acceptable</p> <p>Hakea Prison has introduced a Structured Day routine. The routine allows for increased prisoner movement and allows prisoners adequate time frames to access appropriate services.</p>   |
| <p>Care and wellbeing</p> <p><i>Recommendation 15</i></p> <p>Hakea should re-classify the punishment cells located in Unit 6 as general-purpose accommodation cells and refurbish them accordingly.</p>   | <p>Supported in principle/Acceptable</p> <p>This has been identified as a necessary change and the conversion of the two punishment cells is being investigated. The cell conversion is as part of the 5 year Self-Harm Implementation strategy and is listed for 07/08 financial year.</p>  |
| <p>Care and wellbeing</p> <p><i>Recommendation 16</i></p> <p>Hakea should review the amenities of Unit 6, including the outside exercise area that needs to be grassed, the recreational opportunities available, and the facilities in the self-care wing.</p> | <p>Supported/Low</p> <p>The external yards to “N” wing in Unit 6 have been redeveloped and grassed. Exercise equipment and recreational facilities are available for use. The new Structured Day and Structured Recreation Day have addressed some of the issues in relation to recreational opportunities that are available both internally and external of the unit. Improvement of amenities in the self-care area is being investigated and costings sought.</p>  |
| <p>Care and wellbeing</p> <p><i>Recommendation 17</i></p> <p>Hakea should review the situation whereby Unit 6 protection prisoners may be sent to Unit 1 if they are not working, bearing in mind the rights of unconvicted offenders.</p>                      | <p>Not supported/Low</p> <p>It is not standard practice to send protection status prisoners who are unemployed to Unit One. At the time of the inspection the protection prisoner population numbers were such that not all protection prisoners could be housed in Unit Six. As a result, were located in A Wing of Unit One as an “overflow” from Unit Six. This was not a desirable situation. Subsequently the protection prisoner population has reduced and is now manageable within the Unit Six structure.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

| Recommendation  | Acceptance Level/Risk Rating/Response   |
|---|---|
| <p>Care and wellbeing</p> <p><i>Recommendation 18</i></p> <p>Hakea should re-examine the arrangements for new young offenders to ensure that young prisoners transferred in from other prisons are assessed by PCS as to their current risk status.</p>   | <p>Supported/High</p> <p>Amendments to the procedures for New Young Offenders (NYO's) referrals are currently underway so that the Prison Counselling Service (PCS) receive a referral each time a new young offender is received, up until they have had a previous stay in an adult facility for greater than 72 hours (currently NYO referrals to PCS are generated on first stay only).</p> <p>Procedures will be developed to ensure that all prisoners under 21 received from another facility are referred to PCS for review via Reception, or preferably via a system generated auto referral to PCS for all prisoners that fall within this criterion.</p> |
| <p>Care and wellbeing</p> <p><i>Recommendation 19</i></p> <p>The Department should establish a training program for peer support officers throughout the Western Australian prison system and provide a trainer to deliver the required programs.</p>   | <p>Accept/High</p> <p>This training program does exist and was planned for delivery state-wide prior to the inspection, however, was not able to be implemented until November 2006.</p>  |
| <p>Care and wellbeing</p> <p><i>Recommendation 20</i></p> <p>In the context of suicide and self-harm risks, Hakea should review the at risk assessment for these prisoners, as well as the suitability of the conditions in which they are held and the services and amenities available to them.</p> | <p>Not Supported/Moderate</p> <p>The At Risk assessment tools are utilised for all prisoners entering Hakea Prison. Prisoners deemed as "At Risk" are accommodated in a location that allows them to assimilate with other prisoners as appropriate. The location is dependent on their level of risk. Prisoner are held in the least restrictive environment according to their at risk progress.</p>  |
| <p>Administration and accountability of DCS</p> <p><i>Recommendation 21</i></p> <p>The Department of Attorney General should initiate a review of bail and remand systems across the</p>  | <p>Response from the Department of the Attorney General</p> <p>Supported/Low</p> <p>The Department is aware of criminal trial delays and is addressing the situation through a number of initiatives such as appointments of a 'roving' Magistrate to attend</p>  |

| Recommendation   | Acceptance Level/Risk Rating/Response  |
|--|--|
| <p>state with a view to reducing unnecessary and unproductive imprisonment of unconvicted offenders. Particular emphasis should be placed on the question of the delays in bringing persons to trial in the superior courts.</p>   | <p>any metropolitan Magistrates Court which is beginning to experience delays.</p> <p>You would be aware that bail coordinators are now in place at Bandyup and Hakea Prisons. I have been informed by the Department of Corrective Services that through work load changes (at Bandyup) and the placement of an additional resource at Hakea, that both Bail Coordinators are now able to spend significant periods of time at the Central Law Courts. I have also been informed that an Aboriginal Bail Coordinator (full-time) will shortly be appointed to the Central Law Courts.</p> <p>The Department, through its Courts and Tribunals Directorate is committed to both reducing time to trial and negotiating with all relevant parties regarding better facilitation of bail.</p>  |
| <p><b>Racism, Aboriginality and equity</b></p> <p><i>Recommendation 22</i></p> <p>Hakea should provide more traditional food for Aboriginal prisoners and more low fat options for prisoners generally. In addition, the process used for the approval of meals based on religious beliefs should be reviewed.</p> | <p><b>Supported in part/Low</b></p> <p>All areas are provided with traditional food at times of cultural significance and at barbeques. The option of providing traditional foods on a more regular basis has been explored on a number of occasions but the lack of a single meal service means logistics are beyond our current ability to provide these meals.</p> <p>Hakea meals are now materially low fat. They were scrutinised by a qualified dietician and a report was tabled. Hakea's menus were significantly changed to meet all the recommendations with the exception of milk that is now less than 2% fat. Hakea does not add fat to any meals.</p> <p>Religious and cultural meals are requested through the Senior Officer of the unit. Consequently vegetarian meals and meals that meet Halal and Kosher requirements are provided. Observance of cultural and religious festivals is accommodated.</p> <p>Hakea will conduct a review of the special meal approval process.</p> |

| Recommendation   | Acceptance Level/Risk Rating/Response   |
|--|---|
| <p><b>Human rights</b></p> <p><i>Recommendation 23</i></p> <p>Hakea management should ensure that library access is reasonably available to unconvicted or appeal class prisoners at all times during the normal prison day as is required under law. Efforts must also be made to improve the resources available in the legal library.</p>   | <p><b>Supported/Acceptable</b></p> <p>The Legal Library is fully accessible to unconvicted or appeal class prisoners during a normal working day and upon request during weekends. The library has resources available including 6 stand alone computers that are allocated to prisoners by the prison librarian based on priority. The prison is currently awaiting advice from the State Solicitors' Office as to prisoner legal service provisions. This is in relation to alternatives to loose leaf material that is easily removed by prisoners and presents cost to the prison and minimises the availability of the resource to prisoners.</p> <p>The Department commenced a review of the appellant/legal library service in late 2006. The review included legal advice from the State Solicitor's Office with regard to the requirements on the Department.</p> <p>The Department has developed a policy with regard to the provision of an appellant/legal library service. The policy goes some way towards addressing the various issues OICS raised in their report.</p> |
| <p><b>Health</b></p> <p><i>Recommendation 24</i></p> <p>The chronic problems involved in the management of the Health Centre, as identified in this Report and from numerous other reviews and inquiries, must be addressed as a matter of the utmost urgency. These matters include not merely the interpersonal problems within the Centre but the range of service delivery problems identified during this inspection.</p> | <p><b>Supported/high</b></p> <p>It is well documented that Hakea Health Centre has experienced some difficulties. The Department has introduced a suite of measure to address these issues which includes:</p> <ul style="list-style-type: none"> <li>Continued recruitment to fill vacant positions;</li> <li>Formation of a Transition Team;</li> <li>Independent Grievance Officer report and follow up counselling;</li> <li>Staff workshop and 'healing day';</li> <li>Investigation by the Department's Internal Investigation Unit.</li> </ul> <p>Staff interaction and operations of the Hakea Health Centre have stabilised. The Acting Clinical Nurse Manager has stabilised the workforce and continues the process of lifting workforce morale, team work and spirit.</p>   |

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

| Recommendation   | Acceptance Level/Risk Rating/Response  |
|--|--|
|  | <p>Since the inspection, Health Services has implemented a new community standard appointment system. This has increased efficiency inpatients being seen by a clinician when they need to be seen. This system is working well and has greatly improved service delivery at the Hakea Health Centre.</p>  |
| <p><b>Health</b></p> <p><i>Recommendation 25</i></p> <p>The Department should support the extension of the ASSIST screening of prisoners at Hakea, and the program should be expanded to all prisons throughout Western Australia.</p> | <p><b>Supported – subject to funding/High</b></p> <p>Health Services have sought additional funding to expand and the increase the ASSIST program at Hakea. Unfortunately funding applications (including a Mahoney bid) have been unsuccessful. Until additional and adequate funding is provided to Health Services, the ASSIST program cannot be expanded. Funding bids will be continued to be submitted.</p>  |
| <p><b>Health</b></p> <p><i>Recommendation 26</i></p> <p>Training for all custodial, counselling and health staff in relation to drug and alcohol issues should be conducted and supported by the Department and Hakea management.</p>  | <p><b>Supported – subject to funding/Low</b></p> <p>Currently, drug and alcohol training is delivered to all Prison Officers and Vocational Support Officers on the Entry Level Training Program and the Essential Training Program. Training is provided by the Department and the Drug and Alcohol Office (DAO), and includes: current trends, drug identification, drug classification, pharmacotherapy (methadone program), understanding drug use and working with offenders' drug use behaviour. The Department is working with the DAO to review the training needs of the Department. This will include the identification of specific training requirements and delivery options for custodial, counselling and health staff. A coordinated approach to the delivery of identified training will be developed by the Staff Development Directorate.</p> |
| <p><b>Health</b></p> <p><i>Recommendation 27</i></p> <p>A drug withdrawal unit, supported by counselling and health services staff, should be established as a more appropriate management strategy for prisoners in withdrawal.</p>   | <p><b>Supported in principle/Low</b></p> <p>The Department supports the proposal to have a drug withdrawal unit. However, given the current and projected prisoner population and the commensurate pressures on prison infrastructure at Hakea Prison, there is no foreseeable prospect of the Department being able to implement this recommendation. No action is proposed.</p>  |

| Recommendation   | Acceptance Level/Risk Rating/Response   |
|--|---|
| <p><b>Custody and security</b></p> <p><i>Recommendation 28</i><br/>Hakea should review the processes involved in the use of the drug detection dog on visitors to ensure that the length of visits is not significantly impacted.</p>  | <p><b>Not supported/Low</b></p> <p>Hakea Prison security provides staff to assist the Canine process 15 – 20 minutes prior to the commencement of each visits session. This process consistently endeavours to ensure that the length of the visits is not significantly impacted upon. There have been no recorded complaints relating to this issue from visitors in recent times. Consequently the Department is of the view that a review is unnecessary.</p>   |
| <p><b>Administration and accountability of DCS</b></p> <p><i>Recommendation 29</i><br/>The Department should ensure transport is available for visitors to and from Hakea and the neighbouring public transport hub at Cannington for all of the different visiting sessions.</p>  | <p><b>Not supported in principle/Acceptable</b></p> <p>Provision of additional transport has previously been explored and found to be cost prohibitive. The prison ensures a bus service is available for four visit sessions per week. The contract for the provision of this service is reviewed annually. It is anticipated that the nearby property development will lead to the provision of an extra bus service in the near future.</p>                      |
| <p><b>Racism, Aboriginality and equity</b></p> <p><i>Recommendation 30</i><br/>Hakea Prison should establish an elders program for Aboriginal prisoners.</p>   | <p><b>Supported in part/Moderate</b></p> <p>Hakea caters for Aboriginal prisoners from all parts of Western Australia and as such it is not possible to cater for all needs of such a diverse population. Hakea will, however, establish an Indigenous Steering Committee that involves Prison Staff, Aboriginal Visitors Scheme representatives and ambassadors from various Aboriginal Community groups which will meet the needs of this diverse population.</p> |
| <p><b>Care and wellbeing</b></p> <p><i>Recommendation 31</i><br/>The Department should conduct a full regimes review to establish an appropriate structured day regime for this population. This must include consideration of the need for and provision of appropriate non-uniformed staff to support a structured day regime.</p> | <p><b>Supported in part/Acceptable</b></p> <p>The Superintendent Hakea has put a structured day regime in place. The Department will monitor the progress of the structured day regime and if necessary provide support and consider additional resourcing needs when identified.</p>   |

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

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| Recommendation   | Acceptance Level/Risk Rating/Response   |
|--|---|
| <p data-bbox="229 501 405 533"><b>Staffing issues</b></p> <p data-bbox="229 557 448 589"><i>Recommendation 32</i></p> <p data-bbox="229 595 667 853">Hakea should provide better support for Vocational Support Officers by way of relief arrangements, so that the activities for which they are responsible continue when they are on leave or otherwise absent from work.</p> | <p data-bbox="703 501 911 533"><b>Supported/Low</b></p> <p data-bbox="703 557 1356 741">Hakea have approved an additional three experienced Vocational Support Officer's (VSO's) to be employed. They will be utilised as a relief component to ensure employment and activities are maintained when the VSO of the area is absent.</p> |
| <p data-bbox="229 904 491 936"><b>Custody and security</b></p> <p data-bbox="229 960 448 992"><i>Recommendation 33</i></p> <p data-bbox="229 999 667 1106">Hakea should progress the review of tool control at the prison as stated in the security audit action plan.</p>   | <p data-bbox="703 904 975 936"><b>Supported/Moderate</b></p> <p data-bbox="703 960 1259 994">Hakea is introducing a tool accounting process.</p>  |

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## Appendix 2

### SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration   | Assessment of the Department's implementations |                      |            |                      |           |
|-----------------------|--|--|----------------------|------------|----------------------|-----------|
|                       |  | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
|                       | REPORT NO. 22, THE DIMINISHING QUALITY OF PRISON LIFE: DEATHS AT HAKEA PRISON 2001–2003  |  |                      |            |                      |           |
| 1.                    | <p><b>Administration and accountability of DCS</b></p> <p>That the Department of Justice continue with, and accelerate the implementation of, its change management program at Hakea Prison; and recognising that the nature of a remand, receipt and assessment prison is that its per capita prisoner costs must be expected to be markedly higher than the system-wide average per capita cost, unequivocally commits the necessary financial and human resources to implement the requisite changes.</p> |  |                      | •          |                      |           |
| 2.                    | <p><b>Care and wellbeing</b></p> <p>The Department should plan for and pilot at Hakea arrangements whereby young offenders are accommodated separately from the mainstream population, with more supportive regime service and a higher staff ratio.</p>   | •  |                      |            |                      |           |
| 3.                    | <p><b>Care and wellbeing</b></p> <p>An intensive orientation process must occur within a properly resourced Unit. Specially trained staff should not be deployed into other duties. The process must be reviewed to ensure that it addresses fully questions relevant not only to Hakea Prison processes and rules but the prison experience generally.</p>  |  |                      | •          |                      |           |
| 4.                    | <p><b>Rehabilitation</b></p> <p>The Department of Justice should establish a Listeners' Scheme at Hakea Prison. This should be done on a trial basis. The training of Listeners should be contracted out to a well-credentialed organisation, and counsellors should be involved in de-briefing with the designated Listeners. In the light of trial experience, consideration should be given to extending Listeners' Schemes to other prisons, particularly Bandyup, Casuarina and Acacia.</p>             |  | •                    |            |                      |           |



SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration  | Assessment of the Department's implementations |                      |            |                      |           |
|-----------------------|---|--|----------------------|------------|----------------------|-----------|
|                       |   | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 5.                    | <p><b>Care and wellbeing</b></p> <p>The Department of Justice should inventory and review hanging points at Hakea Prison and develop a management plan for their prompt removal.</p>  |  | •                    |            |                      |           |
| 6.                    | <p><b>Care and wellbeing</b></p> <p>The Department of Justice review and improve reception processes, taking into account the matters raised in this Report, including:</p> <p>a. Improved training in risk assessment for officers and nursing staff;</p> <p>b. Minimisation of the use of agency nurses, unless it is ascertained that they have been trained in risk assessment, the ARMS processes and forensic mental health issues;</p> <p>c. The creation of a process to ensure that health and at-risk records from previous periods of juvenile or adult incarceration or detention at the Frankland Centre are available and are consulted during the initial reception;</p> <p>d. A re-examination of first night accommodation arrangements;</p> <p>e. A review of rostering arrangements so as to ensure that there is sufficient staffing at all times of the day and in particular in the evenings to cover late arrivals from court; and</p> <p>f. The employment of a peer support prisoner (or preferably a Listener when that scheme is established) in the reception area.</p> |  |                      | •          |                      |           |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration   | Assessment of the Department's implementations |                      |            |                      |           |
|-----------------------|--|--|----------------------|------------|----------------------|-----------|
|                       |  | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 7.                    | <p><b>Staffing issues</b></p> <p>The change management team should pay particular attention to the question of achieving effective communication and coordination between the various components of the Hakea Prison staff. In particular, they should address the following issues:</p> <ol style="list-style-type: none"> <li>The question of possible intimidation or denigration of PCS staff within the prison;</li> <li>The workload and distribution of PCS staff, in particular what appears to be a disproportionate amount of duplicated paperwork thus prejudicing the amount of time available for casework;</li> <li>The poor working relationships that seem to have developed between PCS and Prisoner Health Services personnel;</li> <li>The improvement of access of Aboriginal Visitors' Scheme workers to the prison and to the Aboriginal population;</li> <li>The inadequate communication between uniformed staff, PCS workers, health service workers including visiting psychiatrists, zone managers, prisoner support officers and Aboriginal visitors; and</li> <li>Improved training of all staff as to factors relevant to the identification of risk and the working of the ARMS and the TOMS systems insofar as they are intended to ensure effective information flow and interventions in relation to at-risk prisoners.</li> </ol> |  |                      | •          |                      |           |
| 8.                    | <p><b>Staffing issues</b></p> <p>A position of Suicide Prevention Coordinator should be established at Hakea Prison with responsibility for leading the PRAG and developing ARMS as well as supervising all aspects of the policies and practices relating to the prevention of suicides and self-harm at the prison.</p>  |  |                      | •          |                      |           |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration  | Assessment of the Department's implementations |                      |            |                      |           |
|-----------------------|---|--|----------------------|------------|----------------------|-----------|
|                       |   | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 9.                    | <p><b>Staffing issues</b></p> <p>The Department of Justice should pilot a scheme at Hakea Prison whereby on-the-job training for welfare matters is available for uniformed officers. The impact should be evaluated with a view to possibly extending this approach to other prisons. In any event, the raft of Policy Directives, Regulations, Standing Orders, Local Orders etcetera that in totality cover the welfare duties of officers and managers should be consolidated into one plain English document. Staff should receive training in relation to the requirements and expectations of that new document.</p> |  | •                    |            |                      |           |
| 10.                   | <p><b>Health</b></p> <p>Prisoners with serious physical health problems must have a care plan developed and should be held in the Casuarina Prison Infirmary.</p>   |  |                      |            | Not rated            |           |
| 11.                   | <p><b>Custody and security</b></p> <p>The practice of shackling terminally ill prisoners in public hospitals should cease forthwith.</p>  |  |                      |            | Not rated            |           |
| 12.                   | <p><b>Health</b></p> <p>The Department should continue negotiations with the statewide Forensic Psychiatry Service with a view to increasing the coverage at Hakea Prison.</p>  |  |                      |            | Not rated            |           |
| 13.                   | <p><b>Racism, Aboriginality and equity</b></p> <p>Hakea Prison should employ at least one and preferably two Aboriginal health workers.</p>   |  | •                    |            |                      |           |
| 14.                   | <p><b>Staffing issues</b></p> <p>The Department should earmark funds and deliver training modules to all uniformed staff at Hakea Prison to assist them in detecting and determining the extent of suicide risk in prisoners, the correct use of the ARMS and TOMS systems, and the relationship and interdependency of the various staffing groups within the prison from the point of view of minimising risk.</p>  |  |                      |            | Not rated            |           |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration  | Assessment of the Department's implementations |                      |            |                      |           |
|-----------------------|---|--|----------------------|------------|----------------------|-----------|
|                       |   | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 15.                   | <p><b>Administration and accountability of DCS</b></p> <p>A Prison Deaths Monitoring Group should be established within the Department. It should consist of the Head Office Suicide Prevention Coordinator (to be known as the Prison Deaths Project Director), the Project Manager Prisoner Deaths (to be known as the Prison Deaths Project Assistant Director) and all prison-based Suicide Prevention Coordinators. Its remit shall be to develop and monitor the implementation of suicide and self-harm prevention policies, to analyse the circumstances of all deaths including those from natural causes, to manage the Department's dealings with the Coroner, to monitor the performance of the Internal Investigations Unit's prompt handling of inquiries into prison deaths, and to report and make recommendations to the Director of Public Prisons.</p> |  | •                    |            |                      |           |
| 16.                   | <p><b>Administration and accountability of DCS</b></p> <p>The Department and Hakea Prison management consult with the Staff Support Group with a view to agreeing upon procedures in the case of a death that both meet the Departmental needs and those of the Police Prison Unit with regard to evidence-gathering and also the needs of officers to be treated with proper dignity and compassion in the face of a traumatic event such as a sudden death.</p>   |  | •                    |            |                      |           |
| 17.                   | <p><b>Administration and accountability of DCS</b></p> <p>The Department and Hakea Prison management examine in the light of this Report the processes for notifying families of the deaths of prisoners and for facilitating access to the death location.</p>   |  |                      | Not rated  |                      |           |
| 18.                   | <p><b>Administration and accountability of DCS</b></p> <p>In all cases of prisoner deaths, the Department of Justice should pay reasonable funeral expenses to an approved undertaker chosen by the next-of-kin from a pre-approved list. However, where in the view of the CEO the family will suffer no hardship by meeting funeral expenses from their own resources, the Department shall have a right of recourse for reimbursement of any such expenses.</p>  |  |                      | Not rated  |                      |           |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration  | Assessment of the Department's implementations |                      |            |                      |           |            |
|-----------------------|---|--|----------------------|------------|----------------------|-----------|------------|
|                       |   | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |            |
| 1.                    | <p><b>Care and wellbeing</b></p> <p>REPORT NO. 12, 2002 INSPECTION OF HAKEA PRISON</p> <p>The Department should review and refine reception processes both generally and taking account of the following matters:</p> <ul style="list-style-type: none"> <li>• their suitability for Aboriginal prisoners;</li> <li>• the possible participation of peer support members;</li> <li>• the layout of the health assessment interview room;</li> <li>• the fact that health assessments sometimes cannot be completed in a timely manner; and,</li> <li>• the criteria according to which prisoners may be sent to the Crisis Care Unit for first night accommodation (Paragraphs 2.4, 2.5, 2.6 and 4.9).</li> </ul> |  |                      |            |                      |           | Superseded |
| 2.                    | <p><b>Human rights</b></p> <p>The Department should review the library facilities at Hakea generally and with particular reference to the following matters:</p> <ul style="list-style-type: none"> <li>• the improvement of the holdings of legal materials;</li> <li>• facilitation of access for protection prisoners;</li> <li>• the development and implementation of an appropriate standard of holdings for libraries throughout the prison system, but particularly at Hakea; and,</li> <li>• the unification of the location of the two current library areas. (Paragraphs 2.13–2.15, and 4.18).</li> </ul>  |  | •                    |            |                      |           |            |
| 3.                    | <p><b>Rehabilitation</b></p> <p>The Individual Management Plan system should now be evaluated from the point of view of resources, processes and outcomes. (Paragraphs 2.22–2.24).</p>  |  | •                    |            |                      |           |            |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration   | Assessment of the Department's implementations |                      |            |                      |           |
|-----------------------|--|--|----------------------|------------|----------------------|-----------|
|                       |  | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 4.                    | <p><b>Human rights</b></p> <p>Pending possible amendment of the <i>Prisons Act</i> as to the hearing of all disciplinary charges, the Department should re-commence negotiations with the chief Stipendiary Magistrate with a view to the resumption of the practice at the major prisons of the State, including Hakea, whereby Stipendiary magistrates adjudicate offences charged under Section 70 of the <i>Prisons Act</i> (Paragraphs 3.8–3.10).</p> |  |                      | Not rated  |                      |           |
| 5.                    | <p><b>Care and wellbeing</b></p> <p>The Department should undertake a comprehensive review of performance indicators in relation to fire safety at Hakea and throughout the State prison system, such review to address the question of how best to develop a fire rescue capacity within prisons. (Paragraphs 3.11–3.15).</p>   |  |                      | Not rated  |                      |           |
| 6.                    | <p><b>Health</b></p> <p>Random urine testing protocols need to be clarified and improved at Hakea Prison. (Paragraph 3.16).</p>  |  |                      | Not rated  |                      |           |
| 7.                    | <p><b>Care and wellbeing</b></p> <p>The Department should review all aspects of the management and processes applicable to protection prisoners in Unit 4, in the light of the factors discussed in the Report. (Paragraphs 3.17–3.24).</p>  |  |                      | Superseded |                      |           |
| 8.                    | <p><b>Health</b></p> <p>The Department should review dietary issues, with particular reference to the findings of the National Heart Foundation assessment commissioned by this Office and taking account also of the needs and health profiles of Aboriginal prisoners. (Paragraphs 4.2–4.3).</p>   |  | •                    |            |                      |           |
| 9.                    | <p><b>Care and wellbeing</b></p> <p>As space becomes available, Unit 1 should be refurbished or, alternatively, permanently closed. (Paragraph 4.6).</p>   |  | •                    |            |                      |           |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration   | Assessment of the Department's implementations |                      |            |                      |           |
|-----------------------|--|--|----------------------|------------|----------------------|-----------|
|                       |  | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 10.                   | <p><b>Health</b></p> <p>The Department should consider the recommendations in the Inspector's detailed Report relating to health services and in particular should:</p> <ul style="list-style-type: none"> <li>• seek to improve staff/patient interaction within the Crisis Care Unit;</li> <li>• make processes for obtaining access to the health centre and services more patient-friendly;</li> <li>• explore the feasibility of a 'keep on person' medication system for some prisoners and medications; and,</li> <li>• take better account of the special health needs of Aboriginal prisoners. (Paragraphs 4.10, 4.11 and 4.21).</li> </ul> |  |                      |            | Superseded           |           |
| 11.                   | <p><b>Human rights</b></p> <p>The layout of the visits area needs to be reviewed. (Paragraph 4.15).</p>  |  |                      |            | Not rated            |           |
| 12.                   | <p><b>Human rights</b></p> <p>If and when the internal grievance system is introduced into Hakea, its utilisation and effectiveness should be monitored from the outset. (Paragraph 4.25).</p>   |  | •                    |            |                      |           |
| 13.                   | <p><b>Rehabilitation</b></p> <p>The Department should develop a measure of 'effective full time worker/student' in relation to employment and education activities, so as to facilitate accurate measurement of participation. (Paragraphs 5.2 and 6.10).</p>  |  | •                    |            |                      |           |
| 14.                   | <p><b>Reparation</b></p> <p>The Department should continue the overall review of Industries which it has commenced, and, in doing so, preferably move to a situation where industrial officers are not rostered to cover absences of custodial officers in the Wings. (Paragraphs 5.5-5.7).</p>  |  |                      |            | •                    |           |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST PREVIOUS RECOMMENDATIONS

| Recommendation Number | By type of Recommendation/Duration  | Assessment of the Department's implementations |                      |            |                      |           |
|-----------------------|---|--|----------------------|------------|----------------------|-----------|
|                       |   | Poor   | Less than Acceptable | Acceptable | More than Acceptable | Excellent |
| 15.                   | <p><b>Care and wellbeing</b></p> <p>The recreational art program should be restored. (Paragraph 6.13).</p>  |  |                      | Not rated  |                      |           |
| 16.                   | <p><b>Staffing issues</b></p> <p>An Integration Manager should be appointed with a view to bedding down the Zone Management system and bringing about a situation where the managerial remnants of there having previously been two prisons are addressed and resolved. This should be seen as a project position with a life of no more than two years. (Paragraph 7.2).</p>   |  |                      | Superseded |                      |           |
| 17.                   | <p><b>Staffing issues</b></p> <p>The Department should urgently appoint a human resources taskforce to address the issues identified in the Report, including:</p> <ul style="list-style-type: none"> <li>• the possible employment of keyboard personnel in each wing to carry out data entry tasks relating to TOMS;</li> <li>• the review of the point and purpose of having a rank of First Class Prison Officer, and identifying alternatives;</li> <li>• identification of ways forward which may enable the twelve hour shift arrangements prevailing at Hakea to be changed, and generally to commence the process of restoring morale to the workforce; and</li> </ul> |  |                      | Superseded |                      |           |
| 18.                   | <p><b>Custody and security</b></p> <p>The Department should consider the points regarding security issues identified in Chapter 8 and implement them as appropriate.</p>  |  |                      | Superseded |                      |           |



## Appendix 3

### THE INSPECTION TEAM

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|                           |  |
|---------------------------|--|
| Professor Richard Harding | Inspector of Custodial Services                  |
| Mr Bob Stacey             | Deputy Inspector                                 |
| Mr Bill Cullen            | Director Strategic Operations                    |
| Ms Kati Kraszlan          | Manager, Inspections and Research                |
| Mr John Acres             | Principal Research Strategy Officer              |
| Mr Cliff Holdom           | Inspections and Research Officer                 |
| Ms Lauren Netto           | Inspections and Research Officer                 |
| Ms Adelle Gardiner        | Research Officer                                 |
| Ms Kate Hitchins          | A/Inspections and Research Officer               |
| Mr Trevor Collins         | DCS Secondee                                     |
| Mr Joseph Wallam          | Community Relations Liaison Officer              |
| Dr Alison Liebling        | Expert Adviser                                   |
| Professor Jim Ogloff      | Expert Adviser                                   |
| Ms Julie Roberts          | Expert Adviser (Ombudsman's Office)              |
| Ms Julie Chang            | Expert Adviser (Ombudsman's Office)              |
| Mr David Solosy           | Expert Adviser (Corruption and Crime Commission) |
| Ms Judith Fordham         | Expert Adviser (Legal Practitioner)              |
| Ms Cheryl Wiltshire       | Expert Adviser (Department of Training)          |
| Ms Dace Tomson            | Expert Adviser (Drug and Alcohol Services)       |
| Ms Anne Donaldson         | Expert Adviser (Health Services)                 |
| Ms Donna Laing            | Expert Adviser (Health Services)                 |
| Mr Steve Patchett         | Expert Adviser (Health Services)                 |

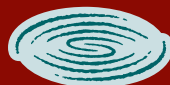
## Appendix 4

### KEY DATES

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|--|-------------------|
| Formal notification of announced inspection                    | 26 May 2006       |
| Pre-inspection community consultation                          | 26 September 2006 |
| Start of on-site phase   | 1 October 2006    |
| Completion of on-site phase                                    | 11 October 2006   |
| Inspection exit debrief  | 11 October 2006   |
| Draft report sent to the Department of Corrective Services     | 2 April 2007      |
| Draft report returned by the Department of Corrective Services | 30 July 2007      |
| Declaration of prepared report                                 | 20 August 2007    |



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

[www.custodialinspector.wa.gov.au](http://www.custodialinspector.wa.gov.au)

Level 27, 197 St George's Terrace, Perth, Western Australia, Australia 6000  
Telephone: +61 8 9212 6200 Facsimile: +61 8 9226 4616