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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION
OF CASUARINA PRISON



Report of an Announced Inspection
of Casuarina Prison

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The Inspector's Overview

STABLE MANAGEMENT HAS BEEN A PREREQUISITE TO IMPROVED PERFORMANCE

The context of the Casuarina inspection, commencing mid-July 2007, was that the population pressures which had been building across the whole system for the previous two years had taken the total number of prisoners to the highest point in the State's history – about 3,800.¹ Whilst regretting the consequent system-wide overcrowding, the inspection team considered that Casuarina was better placed to deal with an increased population (580 at the time) than any of the other secure prisons. This was for a variety of reasons, but principally because a stable and well-resourced management team had been established over the previous three years. That team had in turn been able successfully to press its business case for substantially increased staffing.

The Inspector has often expressed concern (and indeed did so at the first full inspection of Casuarina itself in 2001) at the excessive reliance the Department places on people who are merely acting in positions rather than occupying them substantively. This practice invites risk and undermines long-term strategic thinking. This inspection illustrates the obverse – that strong and stable management enables risk to be reduced and strategic planning to be enhanced.

In this respect, the effort that had been put into improving the regime for out-of-country Aboriginal prisoners – now a significant proportion of an ever-increasing overall Aboriginal population – had been laudable. Unit 1 – for many years previously a punishment unit characterized by caged 'dog-runs' in the external areas – has been converted into a Displaced Aboriginal Prisoners' Unit. This is described in Section 4.15 – 4.24. Funding has now also been obtained for construction of an Indigenous Activity Centre, as outlined in 4.22. These developments are a credit to the prison management and staff.

One staffing problem remains evident, however. Each of our five inspections of Casuarina has thrown up allegations of intimidation of staff (women on one occasion, new recruits on another, Vocational Support Officers on yet another) by other staff – typically more experienced members. It is never straightforward for an inspection team to get a handle on these allegations, for intimidation can lie in the perception of the recipient. We suspect that part at least of the explanation is that rough-and-ready guidance in the form of criticism is, in the continuing absence of a structured performance appraisal system across the Department, construed as intimidation or bullying. There is no mechanism for making constructive criticisms, so they can come out in inappropriate ways. Of course, that will not explain all of the cases about which we heard. But until there is a Performance Appraisal system in place, it will be very difficult to differentiate between legitimate if occasionally crude guidance and outright intimidation.

Unfortunately, there is also some bullying of prisoners – and here we are on firmer ground, in particular with protection prisoners. Most prisons have pockets of staff who display their inappropriate attitudes and values. Invariably, when this is raised informally with management, they can tell one by name who is involved. Yet it is allowed to persist. This is another indicator of the need for a robust Performance Appraisal system. Senior

¹ It subsequently rose to almost 4,000 though at the date of writing has fallen back again to about 3,750. The prognosis must be, however, that it will return to the 4,000 mark or thereabouts by the end of 2008.

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management personnel must in any case be firmer about this, for people with hostile or negative attitudes always have a greater impact on the overall tone and culture of a prison than those with positive attitudes.

In this Report, for the first time we address the question of environmental sustainability of the Prison's systems and resources. Prisons, like every other organisation, must see themselves as part of the global problems that are now so evident and in their own ways make efforts to minimise their carbon footprint and their unnecessary waste. The Inspector's *Code of Inspection Standards* sets out something of our expectations, which will be refined and sharpened in subsequent inspections. Casuarina fell short of good practice at this inspection, but we were informed that advice has now been commissioned to take this matter forward.

Richard Harding
Inspector of Custodial Services

12 February 2008

Chapter 1

CASUARINA SINCE THE LAST INSPECTION

- 1.1 Casuarina Prison has been inspected by this Office more times than any other of the state's custodial facilities. The current 2007 inspection was Casuarina's third routine announced inspection in seven years.² The Induction and Orientation Unit and the Special Handling Unit at the prison were also the subject of the Office's very first inspection in late 2000 (at the direction of the then Minister for Justice),³ and a follow-up inspection of these units was conducted in October 2001.⁴ In addition to these five inspections relating specifically to Casuarina itself, aspects of the prison's services were also examined in thematic reviews of the policy and practices relating to vulnerable and predatory prisoners⁵ and of prisoner health services.⁶
- 1.2 The Inspector's overview in the 2005 inspection report stated that while Casuarina had improved and was performing positively, there was still some work to be done. The Inspector also noted that the prison's performance could be adversely impacted by a rise in the prisoner population. Specifically, double-bunking, the implementation of a structured day, the provision of adequate activities for prisoners and the increasing Aboriginal prisoner population were foreshadowed as issues to watch.⁷ Since this time, the prisoner population has surged and the warnings of the Inspector had become tangible problems for the management of Casuarina in the current inspection.
- 1.3 Significantly, Casuarina has maintained a stable management team since the time of the last inspection.⁸ This had previously been an issue for the prison and negatively impacted on its ability to deliver services. This stability has enabled the prison to address many of the findings contained in the last inspection report and to give direction to the prison. This was even further enhanced with the recent introduction of a service level agreement between the Department of Corrective Services ('the Department') and the prison's Superintendent that devolves a certain amount of responsibility and decision-making to the local level.⁹ This should enable the path that the prison takes towards meeting its goals to be more relevant and suited to its staff, prisoners and local community.

PRISONER POPULATION UPSURGE

- 1.4 Casuarina Prison has a design capacity for 399 prisoners. At the time of the last inspection, in August 2004, the prison was accommodating 420 prisoners. By the time that inspection report was published in June 2005 the prisoner population had increased to 554. Since this time, the prison has maintained a similar population level. On 16 July 2007 (the first

2 See: Office of the Inspector of Custodial Services (OICS) *Report of an Announced Inspection of Casuarina Prison – October 2001*, Report No. 11 (2002) and OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005).

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

4 OICS, *Report of a Follow-up Inspection of the Special Management Units at Casuarina Prison – October 2001*, Report No. 8 (2002).

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

6 OICS, *Thematic Review of Offender Health Services*, Report No. 35 (June 2006)

7 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005) iii–v.

8 See below, [2.17]–[2.21].

9 These issues are discussed in detail in Chapter 2 of this Report.

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weekday of the current inspection) the number of prisoners at Casuarina was 589; however, we were informed that this number was expected to increase by 100 prisoners early in the new year. The following table shows some of the characteristics of the population at the time of the current inspection.

Maximum-security	301
Medium-security	262
Minimum-security	26
Sentenced	567
Remand or Appeal Class	22
Aboriginal Prisoners	268

- 1.5 This inspection of Casuarina found that the high population levels were negatively impacting on practically every aspect of operations and every service at the prison. While this impact was minor in many areas, in others it had compromised the total ability of the service to be delivered or effectively function. The chapters throughout this Report highlight the problems that excessive numbers and double-bunking are causing and the additional resources that are required in the short-term to medium-term to address the situation. In the long-term, alternative accommodation arrangements are required to ensure the safety, security and appropriate management of prisoners.
- 1.6 Prisoner numbers indicate that Aboriginal prisoners have been the most affected by the population increases at Casuarina. In the 1990s the Aboriginal population at the prison generally lay between 25 per cent and 30 per cent of the total population. But in the months preceding this inspection the Aboriginal population had peaked at 49 per cent (in December 2006) and hovered around this throughout 2007. A large number of Aboriginal prisoners have been transferred from regional prisons, which are also experiencing significant overcrowding. These prisoners have unique needs that require additional resources.¹⁰
- 1.7 For many prisoners and some staff, the crowded conditions and the adverse impact this was having on services were uncomfortably mirroring many of those found at the prison in the months before 25 December 1998, when a major disturbance took place and control of the prison was lost for some time. The Department and Casuarina management were aware of this and were assessing the risks associated with the overcrowding and trying to address some of these. One important measure was an interim muster increase agreement (June 2007) between the Superintendent of Casuarina and the Prison Officers Union, which stipulates how many extra uniformed staff must be rostered on each shift as the prisoner population increases and how the extra prisoners will be accommodated. To this extent, the situation was not as dangerous as that in the lead up to the 1998 event, and the atmosphere at the prison during the inspection did not reveal any of the tension that would be expected prior to such an event occurring.

¹⁰ See below, [4.15]–[4.26].

- 1.8 While the Department has endeavoured to increase the number of uniformed staff at many prisons including Casuarina, the same cannot be said for civilian staff.¹¹ Further, the resources available for services such as prisoner treatment programs, health services and education have not increased to account for the additional prisoners.
- 1.9 This situation is not unique to Casuarina. The number of prisoners in the entire Western Australian prison system had increased sharply in the 12 months preceding the inspection and the majority of the state's prisons have been required to accommodate too many prisoners in too little space with too few resources.

THE INSPECTION PROCESS

- 1.10 Preparation for the July 2007 inspection of Casuarina began in February 2007 with a cornerstone summary liaison visit conducted by the Office's liaison officer to Casuarina and a small team of inspection officers. This visit examined issues raised in the previous inspection and those new issues identified as important for the inspection over the previous two-and-a-half years of regular liaison visits to the prison. Another pre-inspection visit was conducted in May 2007 to help the prison prepare for the inspection process.
- 1.11 In June 2007 the Office conducted a workshop with community groups and individuals who provide in-reach services to Casuarina on a regular basis to ascertain their experience of the prison. Valuable feedback was received from those who attended and the Office thanks them for their participation.
- 1.12 In addition to requesting and receiving a number of documents from the Department as evidence of the performance of Casuarina in the delivery of its services, the Office also received a formal briefing from members of its head office team. The briefing provided a strategic overview of how Casuarina had addressed the issues raised in the previous inspection report, the central issues facing Casuarina from the Department's perspective and how it proposed to address these. The issue of population management was crucial to this, especially in the context of how the Department would deliver the required additional services.
- 1.13 Extensive qualitative research prior to the inspection was also conducted. Members of staff attended the prison and spent time with a significant number of individual prisoners to ascertain their personal experiences of life at Casuarina. These conversations were guided by focus questions determined prior to the visits. Some of the anecdotes from these conversations are featured in this Report to highlight a number of findings from the inspection.
- 1.14 The on-site phase of the inspection commenced on Sunday 15 July and was conducted over a two-week period. This involved daily interaction with management, staff and prisoners to gather evidence from multiple sources to assist the Office in making its findings, and the observation of routine prison activities and the delivery of services. The Inspector presented his exit debrief to management and staff on 27 July 2007. The Inspector also introduced a debrief for prisoners at this inspection, at which he presented findings relevant to the delivery of services to prisoners.

¹¹ See below, [2.20]–[2.26].

Pre-Inspection Surveys

- 1.15 On 19 April 2007 the Office conducted a pre-inspection survey of 68 prisoners at Casuarina. The survey tool was an adaptation of the Measuring the Quality of Prison Life (MQPL)¹² survey used to measure the social climate of the prison and identify differences in the quality of life for prisoners in different environments. It has also been used to accurately predict prisoner distress. The survey consisted of:
- an initial group of questions about the prisoner/respondent;
 - a group of questions from which scores for 19 dimensions to measure the quality of prison life are extracted; and
 - a broad rating by the prisoner/respondent of the quality of prison life together with the best and worst three aspects of life at the prison.
- 1.16 The questions relating specifically to the quality of prison life are presented in the form of statements to which the respondent is asked to rate their level of agreement or disagreement. On a five point scale a 'neutral' response scores three, levels of agreement score above three and levels of disagreement below three. The questions are then grouped into dimensions and their results used to give each dimension an overall score.
- 1.17 A staff MQPL survey was also distributed on 17 April to all staff members and 65 responses were received. The survey was similarly structured to that given to prisoners; however, the questions were grouped into 16 dimensions (rather than 19) to give a measure of quality of life for staff.
- 1.18 The survey results were used as one form of triangulation for inspection findings. Where the findings were not consistent with other forms of evidence gathered, further information and evidence gathering occurred to ensure all inspection findings could be verified by at least three separate sources of information. The Office will conduct similar surveys at most inspections in the foreseeable future.

Code of Inspection Standards

- 1.19 This inspection was the first to fully use the Office's newly developed *Code of Inspection Standards for Adult Custodial Services* ('the Code'). The Code was completed in April 2007 and publicly sets out the standards against which the Office conducts its inspections. As stated in the preface to the Code, it 'forewarns custodial management of the operational standards expected, and it is hoped this knowledge will encourage rigorous self-assessment ... to promote the continuous improvement of custodial services in Western Australia'.¹³
- 1.20 The aim of the development of a code of standards was to ensure consistency and transparency in the inspection process, so every prison or service inspected would be clear about what was expected and on what basis findings would be made. The standards in the Code were derived from a number of sources, including international treaties, the *Standard*

12 The MQPL survey is in wide use across the United Kingdom and has become a generally accepted tool for indicating the performance of prisons: see Liebling A (assisted by Arnold H), *Prisons and their Moral Performance: A study of values, quality and prison life* (Oxford: Oxford University Press, 2004).

13 OICS, *Code of Inspection Standards for Adult Custodial Services* (April 2007) 4.

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Guidelines for Corrections in Australia, the UK Prison Service's *Decency Agenda*, the UK Inspector of Prisons' *Expectations* and, perhaps most importantly, the approximately six years of experienced gained by the Office conducting inspections in Western Australia.

- 1.21 The Department was consulted during the development of the Code; however, it is the Inspector's Code and maintains independence from any standards internally developed by the Department for its prisons. The Code is not a stagnant document – it will be reviewed in its early use to ensure it achieves its purposes and meets the needs of independent inspection. It may also need to change in the future to adapt to new philosophies and practices in corrective services and to reflect best international practices.

Inspection Panels

- 1.22 Over the past 12 months inspection panels have become an important part of the inspection methodology of the Office. Panels are semi-formal meetings between those responsible for an aspect of the prison's operations or service provision and custodial inspectors as part of the inspection process. Prison personnel are given the opportunity to present their perspective on the prison's performance in specified operational areas, including successes and failures, changes, current issues, future outlook and plans. Inspection staff can then ask questions and discuss the presentation.
- 1.23 Panels were introduced as the Department and prisons became more familiar with the inspection process and developed a greater understanding of the purpose of an inspection. It is based on the notion that the prison should have a certain level of self-awareness about its performance strengths and weaknesses, and should have a continual process of self-evaluation.
- 1.24 Seven panels were conducted during this inspection of Casuarina covering the following areas:
- special management regimes;
 - systems and resources;
 - prisoner support and programs;
 - education and training;
 - security and safety;
 - prisoner management and re-entry; and
 - health services.

Chapter 2

RESOURCES AND SYSTEMS

FINANCIAL RESOURCES AND MANAGEMENT

2.1 The 2005 inspection report made a number of comments about the deficiencies in the way funding was allocated to prisons based purely on the number of prisoners it was anticipated it would accommodate in a given financial year.¹⁴ The report stated that the formula

has repeatedly been shown to result in budget overruns and prisons having to request more resources as populations increase. This makes it extremely difficult for local management to strategically plan for service provision, as resources rarely match actual populations and, therefore, service demand.

The Department acknowledged the problems with the funding model in response to that report, stating that:

[R]ecent, unprecedented growth in the prisoner population has caused increases in operational requirements to outstrip available funding. Whilst this is not abnormal, the recent acute and sustained rate of population growth has exacerbated this effect.

2.2 Despite continued ‘unprecedented growth’, in 2007 this formula had not changed. Funding continued to lag considerably behind increases in population growth, leaving large gaps between demand and funds to supply.

2.3 At the time of this inspection, Casuarina had a revised annual budget for 2006–2007 of \$25,020,478 based upon a prisoner population of between 530 and 580 prisoners. However, on the last day of August 2007 Casuarina had a population of 603 and, at the briefing provided by head office in preparation for this inspection, it was acknowledged that Casuarina could expect to increase its prisoner population by 100 to 680 by January 2008.

Recommendation 1

That the Department reassess the funding model to Casuarina to ensure that the time lag between the demand for extra services due to population increases and the supply of extra resources to provide those services is minimised, thereby improving service obligations at the prison.¹⁵

2.4 Despite the population numbers exceeding allocated funding, the prison was running to budget for the current financial year, but the significant prisoner population increases during 04/05 and 05/06¹⁶ had caused the budget to overrun by \$1.1 and \$1.2 million respectively. Consequently, the prison had requested an increase in budget to \$27,296,612 (an increase of \$2,276,134) although this had yet to be approved at the time of the inspection.

2.5 Unlike the situation at the time of the previous inspection,¹⁷ Casuarina had experienced

14 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005) 13.

15 In its response to the draft of this Report, the Department acknowledged that the funding arrangement with Treasury did create funding problems when the actual number of prisoners accommodated in the system exceeds the projected numbers submitted to Treasury and on which funding is based. It stated that ‘[T]he Department is aware of the impact of this timing issue on the accountability framework of its business units and continues to explore options with [Treasury]’. Letter from the Commissioner Department of Corrective Services to the Inspector of Custodial Services, 21 December 2007.

16 See above, [1.4]–[1.9].

17 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005) [2.14].

some success in winning additional resources for specific asset projects (in a competition with other prisons). The prison had received \$2,939,383 for asset management in 2006–2007 that had provided for preventive maintenance, fault repairs and funded a program of ligature point removal and the purchase of a mobile duress alarm system. As a result, the prison buildings and grounds were being well maintained, despite the additional wear and tear that was being accrued through overcrowding.

- 2.6 However, the anticipated increase to the prison population can be expected to place further pressure on the infrastructure, plant and equipment, and the level of funding will need to be increased if the assets are to continue to be properly maintained. Although not confirmed at the time of this inspection, the 2007–2008 budget included an amount of \$1,090,000 for preventive maintenance and daily faults and \$2,540,00 for recurrent and capital expenditure projects that include upgrades to the Special Handling Unit, recreation facilities, kitchen and industries. These are particularly worthwhile enhancements that will assist the prison to provide improved services.

Recommendation 2

That the Department and Casuarina undertake joint infrastructure replacement and maintenance planning, especially keeping in mind the impact of use by an unforeseen number of prisoners and the difficulty in performing maintenance in a prison at excess capacity (also see [4.3]).

SERVICE LEVEL AGREEMENT AND COMPLIANCE

- 2.7 This Office has long advocated the need for superintendents to be given devolved financial and general management authority through the use of service level agreements.¹⁸ In the context of Casuarina, the 2005 inspection report recommended that more formal mechanisms should be established to monitor and report on the range of services that are provided at the prison¹⁹ and that the Department should develop a service level agreement for Casuarina.²⁰ Formal monitoring and reporting mechanisms within the Department would allow for compliance with any service level agreements with individual prisons to be tracked and performance ensured and to a large extent are therefore a pre-condition for service level agreements to exist.
- 2.8 In the weeks preceding this inspection, the Office was provided with a copy of the (initial) Casuarina Prison Service Level Agreement and was informed that compliance monitoring had commenced at all prisons in Western Australia. At the time of writing, we had not been provided with any compliance monitoring reports, but it is nonetheless considered a positive general development for the prison system.

18 OICS, *Report of an Announced Inspection of Karnet Prison Farm*, Report No. 5 (December 2001), 5–6 and Recommendation 19. This was the first report which advocated the use of such agreements.

19 Recommendation 3: ‘That the Department and Casuarina Prison management establish formalised mechanisms for supporting, monitoring and reporting on all aspects of operational compliance in Casuarina Prison.’

20 Recommendation 4: ‘That the Department enter into a comprehensive and discrete service delivery agreement with Casuarina Prison.’

Operational Standards and Compliance Testing

- 2.9 Over the past year the Department has put considerable energy into the development of its standards for all prisons in Western Australia and methods and procedures for monitoring compliance to those standards. Prisons are now required to adhere to these standards and monitor and keep records against them.
- 2.10 The Compliance Testing Framework appears on paper to be robust, using an arrangement of output standards that are further detailed by a set of desired or required outcomes. These are then followed by various tests and the identification of the staffing position responsible for ensuring the outcomes. This is then followed by references to relevant departmental policies.
- 2.11 At this early stage, without having seen any compliance testing reports, we are unable to comment upon the actual effectiveness of such testing or the comprehensiveness of the standards. Inevitably, there will be some adjustment to the processes and the standards will undoubtedly be amended in the light of experience. This Office welcomes these compliance testing procedures as a necessary step to contributing to improved accountability for prison operations. We will monitor the results and be looking for improved performances at prisons across Western Australia.

Service Level Agreement

- 2.12 The advent of the Casuarina Prison Service Level Agreement²¹ ('the SLA') is a significant step because it formally prescribes, for the first time, the scope and format for the Superintendent to report on the performance of various aspects of the prison's operations to the Department through the Deputy Commissioner Adult Custodial. The Agreement contains 41 reportable performance measures, 13 of which are reportable on a quarterly basis with the balance to be reported monthly. In addition to these measures the reports provide for a descriptive performance overview including an outline of any new service improvement initiatives.
- 2.13 During the inspection we were provided with the prison's first monthly report (for May 2007) on its performance against the key objectives as set out in the agreement. In order to provide consistent information and data for these reports, the prison's Assistant Superintendent, Audit and Standards had developed a series of reporting templates for each reporting area and responsibility for these reporting areas had been allocated to a relevant senior manager, which was good practice.
- 2.14 The report claimed that the prison met 21 of the 28 performance measures reportable during the month of May (13 performance measures being quarterly measures meant they were not yet reportable). Among those targets met during the month were the percentage of prisoners whose cells had been searched and the number of escapes (nil). Among the targets not met was the cost per prisoner of \$131 per day.

21 Department of Corrective Services, Adult Custodial Division, *Service Level Agreement between the Superintendent of Casuarina Prison and the Deputy Commissioner Adult Custodial* (April 2007).

- 2.15 Given that this initiative was relatively new, the inspection did not attempt to verify the reportable data, although this may be undertaken at future inspections. As these figures relate to the first month of reporting it was not possible to draw many conclusions. For example, for many measures the monthly result was being used as the default benchmark. Nonetheless, the reporting process should act to strengthen accountability and performance and is a welcome development that this Office will continue to monitor.
- 2.16 The impact of the lag between population increases and funding has already been highlighted as a significant issue in this chapter. It is yet to be seen to what extent this disparity may have on the ability for the Superintendent to meet some of the reportable measures in the SLA. The difficulties that may be experienced will be also be monitored by the Office on an ongoing basis.

MANAGEMENT AND LEADERSHIP

- 2.17 In the four years leading up to the last inspection of Casuarina, there were eight people who had acted in the position of superintendent on 13 different occasions.²² At the time of the last inspection in late 2004, a substantive superintendent had only recently been appointed and it was noted that the instability of the previous four years had had a very negative impact on the direction and management of the prison and was a major concern for Casuarina staff. Optimism was voiced as to the positive impact that a substantive appointment to the position could make.²³
- 2.18 This inspection found that the optimism was well placed and the situation with regard to management and leadership within the prison was in contrast to that seen during the previous inspection. Individuals in the management team were visible throughout the prison and demonstrated an awareness of issues that existed for both staff and prisoners. Senior management were very receptive to problems raised with them by the inspection team during the course of the inspection and displayed a willingness to address.
- 2.19 Management were intensely aware of the problems that lay before them with regard to the rapidly increasing prisoner population at Casuarina, which would only exacerbate with the expected further increases discussed in this Report in Chapter 1. Forward planning was underway to address the identified risks, including a measured increase to each accommodation unit, with additional uniformed staff coming online before more prisoners were taken.
- 2.20 Despite the observed improvement in strong management, the staff MQPL survey results for the dimension 'attitudes to senior managers' was quite poor, with four out of the eight questions receiving negative scores and a total score of 2.86. The highest score related to seeing managers out in the prison (3.16), but negative results were achieved for the areas of trusting senior managers (2.64) and support for staff in dealing with prisoners (2.14). The relationship with higher management at departmental level was even lower, however, with an overall score of 2.59 and negative responses to all questions within the dimension.

22 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005) [2.8].

23 Ibid., [2.10].

- 2.21 The newly implemented SLA will further enable the management team at Casuarina to be more proactive and innovative in delivering services. This will be especially important given the hard task ahead of managing a prisoner population far in excess of the intended design capacity. The good work already achieved by the Superintendent, his management team and staff should be able to be improved further in the three years before the next inspection.

STAFF

- 2.22 At Casuarina in 2004, there were 216 custodial officers approved for a prisoner count of 360. By the time of the inspection in July 2007 a further 88 uniformed officers (a total of 304) had been approved to manage an increased prisoner population of up to 580. This increase was part of the planning process to enable Casuarina to increase its prisoner population in the wake of record number of prisoner places required in the system. Many of the additional staff placed at Casuarina were new recruits who had not worked operationally in a prison before. So while the increased number of uniformed staff was positive, the inexperience of many of the new staff created problems (including allegations of bullying behaviour, discussed in the following sections).
- 2.23 The inspection found that the number of custodial staff allocated was adequate to meet the needs of the prison. However, at the time of writing prisoner numbers were exceeding 580 on a regular basis, which may begin to impact on staff in terms of overtime and stress. The Department must ensure that uniformed staff levels remain at an adequate level to ensure the prison remains a safe place, especially if the prisoner population grows by a further 100 prisoners, as projected by head office.²⁴
- 2.24 The Department had not planned for or provided civilian staffing in the same way. Prisoner Counselling Service and programs staffing was not adequate to meet the needs of the increased number of prisoners, and will be dismally inadequate when the population increases further. Administrative staffing has been stable although it was three staff short at the time of the inspection. More importantly, there was a critical shortage of Vocational Support Officers (VSOs) that was constantly affecting the operation of prisoner employment opportunities in the industries area and which had resulted in the extended closure of the cabinet shop and the frequent closure of other industries as VSOs took various forms of leave. This left large numbers of prisoners idle every day.²⁵

*Recommendation 3*²⁶

That the Department provide adequate increases to the number of civilian staff at Casuarina to provide the required services to prisoners, and that forward planning is undertaken immediately to provide adequate staff when future planned population increases again occur. This is necessary in all service areas including the Prisoner Counselling Service, prisoner treatment programs, education, health and Prisoner Support Officers.

24 Head Office Briefing on Casuarina Prison, 25 June 2007.

25 Further discussion of industries and lack of prisoner activity is contained in Chapter 6.

26 Note that this recommendation is linked to sections throughout this Report that identify a deficiency in the level of services provided due primarily to the increased prisoner population.

- 2.25 Only three (less than 1%) uniformed staff at Casuarina were Aboriginal. This is completely inadequate for a prison where 50 per cent of the prisoner population are Aboriginal, and many of these are displaced from their traditional lands. The Department needs to engage more actively and innovatively in recruiting Aboriginal people to its uniformed staff.

Training

- 2.26 The quantity of training being delivered to staff at Casuarina had significantly increased since the time of the last inspection. The delegated training officers had developed an annual training plan in order to prioritise training opportunities. Records showed a wide range of training had been delivered on such topics as anti-bullying, occupational health and safety (OHS), equal opportunity, legislative change, Aboriginal culture, blood borne viruses, and the Casuarina communications portal. However, the Superintendent indicated that the practice of closing down work and education for one morning a week to enable staff to undertake training did not provide enough time to meet the full training needs of staff.
- 2.27 While acknowledging that the quantity of training provided had increased, a significant number of custodial officers believed that there had been too much of a training focus on compliance matters peripheral to the management of prisoners. Generally the staff MQPL survey showed that respondents did not have much confidence in the Department's performance management system (37.7% agreed or strongly agreed it was good) and an overwhelming 75.4 per cent of respondents stated that more staff training and support was needed was for suicide and self-harm issues.
- 2.28 Staff training is a key strategy for ensuring the fair and respectful treatment of prisoners. However, newer staff reported that they had received no information regarding the Standard Guidelines for Corrections in Australia, nor on any human rights conventions. This is an omission that should be rectified in the initial recruit training with follow-up refresher training from time to time.

Recommendation 4

That the Department incorporate an understanding of the Standard Guidelines for Corrections in Australia into the recruit prison officer training and that the Training Academy and prisons incorporate this into refresher training for all prison officers.

- 2.29 OHS training had been provided in line with the requirements of an OHS audit conducted by external consultants.²⁷ The report identified over 50 OHS issues requiring corrective action or training. An officer had been assigned responsibility for the implementation of all of the audit report recommendations, which were in the process of being implemented.
- 2.30 The greatest criticisms expressed by custodial staff with regard to training were directed at the perceived poor quality of the initial training provided to new recruit custodial officers. The most common concern was that recruits had far too little operational understanding of prisoners or how a prison works. This was widely characterised as the fault of the Department's training school rather than the new recruits themselves. To try to ameliorate

27 Shawmac Consultants, *Casuarina Prison Occupational Safety & Health Site Observations* (2007).

this, the prison had established a mentoring program for recruits, but the realities of the prison roster meant that mentors were only sometimes available to provide advice, and the mentoring had ultimately dropped away. We spoke with many of the newer recruit officers who expressed that their training had not adequately prepared them for work at Casuarina.

Bullying

- 2.31 Every person has the right to work in a healthy and safe environment where those they work with treat them with respect. The recently developed 'Bullying in the Workplace' policy from the Department recognises this right, defines bullying behaviour and provides a course of action for those who believe they are being bullied and for management to address allegations of bullying.²⁸
- 2.32 Some uniformed staff at Casuarina reported to the inspection team that they were experiencing regular bullying behaviour from a small number of other uniformed staff. Allegations of bullying behaviour were most commonly made by newer officers against experienced staff; and most often (but not exclusively) bullying was directed toward female officers. Some senior staff suggested the problem lay with the 'victims' of the behaviour, in that they were interpreting some strict guidance and/or instruction from their seniors as bullying and should toughen up. Many of the examples of behaviour provided to inspections officers went beyond this explanation, and there is clearly an issue at the prison. Even if in some cases it were a case of misinterpretation, those at the receiving end are experiencing the behaviour as aggressive and intimidating and therefore some mediation needs to occur.
- 2.33 Management were aware of, and acknowledged that, there had been allegations of bullying behaviour. Active steps had been taken in some cases to try and resolve the issues, but the feeling among many staff was that it was ineffective. In one case, management had put into place a strategy to address the conflict but some staff told the inspection team that this did not help, and in some ways exacerbated the problem. The result, we were told, was that it made others reluctant to bring their own bullying issues to management.
- 2.34 Up until the recent introduction of the 'Bullying in the Workplace' policy, Casuarina management had very little available to it to assist in addressing problems of bullying. With no strong anti-bullying policy and no performance management system in place within the Department, management were left to deal with cases on an individual basis. Despite their best efforts to address the incidents brought to their attention, the inspection found that the problems have persisted.
- 2.35 Bullying among staff (particularly uniformed staff) has been raised with the inspection team during past inspections, and is not unique to Casuarina. Indeed, the most recent Department Annual Staff Survey²⁹ confirmed that bullying remains a serious issue for a significant number of staff in its employ. The survey results showed that 7.2 per cent of respondents (approximately 91 individuals) reported having been bullied on a monthly or more regular basis during six months preceding the survey. Thirty-four per cent indicated

28 Department of Corrective Services, *Bullying in the Workplace* (2007)

29 Department of Corrective Services, *Annual Staff Survey 2007 – Report Summary* (2007).

that they had observed bullying taking place at their workplace ‘now and then’ or more frequently over the prior six months. Over a longer time period, 52 per cent of staff indicated that they had been bullied at work over the prior five years and 28 per cent of staff had witnessed bullying at work over the same period.

- 2.36 Management has also lacked the important tool of performance management systems to assist in dealing with inappropriate workplace behaviour. The Department staff survey showed that the majority of respondents (70%) had not had a performance appraisal in the past 12 months. Staff generally did not agree having a performance appraisal in the past had helped improve their performance.
- 2.37 A concern for the Inspectorate is that if a small number of uniformed staff were prepared to treat their colleagues in this way, how were these individuals treating prisoners? Fellow officers are not as disempowered as prisoners, making prisoners even easier targets for bullies. Prisoners noticed the bullying incidents between staff and were aware of the behaviours occurring between staff. This is also not good in terms of the security and control of the prison.
- 2.38 The introduction of the new ‘Bullying in the Workplace’ policy will hopefully help all prisons, including Casuarina to tackle this important issue. While there have been some genuine efforts to address the allegations already, Casuarina management must act as a matter of urgency and clearly show bullying behaviour is not acceptable and will not be tolerated.

Recommendation 5

That the Department provide the policies and guidelines required for the Superintendent of Casuarina to properly address the allegations of bullying at the prison, including the embedding of staff performance management systems and disciplinary procedures. The Superintendent must then address the allegations in a timely manner to ensure that Casuarina provides a safe and respectful work environment for all staff.

RISK MANAGEMENT

- 2.39 The Western Australia Premier’s Circular 2006/03³⁰ required that all public sector bodies engage in risk management. The Department’s Enterprise Wide Risk Management Policy Statement³¹ states in part that the Department is committed to ‘using risk management as a critical part of managing operational risks’. The issue of risk management was seen as very important in this inspection, given Casuarina’s role as the highest security prison in the state and its rapidly increasing population. Consequently, an expert inspector from RiskCover WA³² was engaged by the Inspectorate to evaluate risk management practices and strategies at the prison.

30 8 May 2006.

31 The Statement can be found on the Department’s intranet and cites the policy owner as the Assistant Commissioner Professional Standards. However, the policy is undated and it is not clear when it was issued although it gives a review date of July 2008, which may suggest that it was issued sometime in July 2007.

32 RiskCover is a division of the Insurance Commission of Western Australia

- 2.40 Casuarina's senior management had undertaken a risk management workshop on the 16 May 2006 with a private sector agency. However, the inspection found that the report resulting from the workshop produced no follow-up actions and the identification of risks that had been undertaken appeared to be in a form that was not operationally meaningful. Among the problems identified with the existing risk management plan were:
- the risk management tables used were generic and did not appear to be appropriate to Casuarina;
 - the 'List of Rules' was a mixed list of risks, causes, consequences and results;
 - there was no recognition of the existing risk controls, in the risk assessment;
 - the assessment was highly subjective and people were unclear on what some of the risk issues were; and
 - risk management was not a living process, which was incorporated into business management, although management were intuitively managing risks.
- 2.41 In addition to identifying the limitations of the previous risk management strategies, the expert consultant also identified what components were required to meet the needs specifically facing Casuarina. Any plan has to:
- establish the context of identified risks;
 - use consistent measures tailored to Casuarina;
 - identify both risks and causes;
 - identify existing controls;
 - evaluate both consequences and likelihood; and
 - identify and evaluate any treatment against the impact on the risk.
 - An appropriate tool needs to be developed to readily provide usable information to the management team to allow risks and treatments to be part of regular agendas and enable reviewing and updating of risks on a regular basis.
- 2.42 Immediately following the inspection, a series of workshops were facilitated by the RiskCover consultant and attended by the Casuarina senior management team and the Director Operations in the Office of the Inspector of Custodial Services. The workshops identified all these issues for management at Casuarina. There was a high level of active participation across the prison's management and a stated commitment to implementing the required changes. The Office will continue to monitor its progress.

SUSTAINABILITY

- 2.43 Prisons are notoriously large consumers and wasters of resources. Prisoners and staff alike must be engaged in sustainability programs with targets to jointly reduce the enormous social, economic and environmental cost of wasted resources.

- 2.44 Despite the now widely understood need for sustainability to underpin all aspects of government agency operations and activities,³³ there was an absence of formalised or widespread sustainability practices at the prison. Casuarina management estimated that the prison generated 300 cubic metres of landfill each month, yet there was no water or energy conservation strategy in place. Other than the recycling of the reusable parts of blood spill kits by the Stores Manager, we also found no systemic recycling or strategies to minimise the footprint that the prison makes on the environment.
- 2.45 Significantly, a number of sustainability measures have been included in the new service level agreement, which should encourage a more planned and systematic approach to sustainability practices. These include measures for:
- cost per day for electricity;
 - cost per day for natural gas;
 - cost per day for water usage and discharge;
 - electricity, gas and water usage per day; and
 - percentage reduction in costs associated with the supply of all essential services to the prison.

We were also informed that one of the universities in Perth had been approached with a view to assisting the prison develop a sustainability program. This should be progressed as a matter of urgency.

Recommendation 6

That Casuarina develops a sustainability plan as a matter of urgency and that it engage prisoners and staff in a range of conservation and recycling activities.

33 See Government of Western Australia, *Hope for the Future: The Western Australian State Sustainability Strategy Year One Progress Report* (Western Australia: Department of the Premier and Cabinet, 2004) at <http://www.sustainability.dpc.wa.gov.au/publications>

Chapter 3

SAFETY AND SECURITY

SECURITY AND CONTROL

Security in a Maximum-Security Prison

- 3.1 Casuarina is a maximum-security prison that was originally designed to accommodate 399 prisoners. It is Western Australia's highest security prison and accommodates the state's most difficult to manage and dangerous prisoners. The Office's Code of Inspection Standards highlights that while a prison environment must be fit for its purpose (that is detaining prisoners and the protection of the community), this must be achieved in balance with the need to ensure the health and safety of prisoners, staff and others who attend the prison.
- 3.2 The Department initiated a comprehensive security review of Casuarina in February 2007, approximately four months prior to this inspection. The resulting audit report made 28 recommendations for action³⁴ and prison management had developed a comprehensive action plan in response to each one.³⁵ While the Inspectorate undertook a full review of security services during the inspection, its findings largely corresponded with those of the departmental audit: the prison was aware of the problems and were committed to remedying these (if they had not already done so). This Report therefore highlights issues that may not have been identified by the audit or are of particular importance to prison operations.

Custodial Infrastructure

- 3.3 As discussed in the previous chapter, the adjusted approved prisoner population capacity has fluctuated markedly over the past 16 years. As the prison ages and the demand on its infrastructure increases, the security systems and physical security assets will be placed under more and more pressure. It is important that the management of Casuarina maintain regular assessment of the condition of all security infrastructure (including practical testing) to ensure it remains fit for purpose.
- 3.4 The perimeter security arrangements in place at Casuarina are of a standard that should enable the community to have confidence in its ability to prevent escape or incursion. There was an appropriate system in place to monitor the maintenance of the perimeter security infrastructure and to act in a timely way to ensure repairs were made.
- 3.5 A strong secure perimeter system should enable internal static security measures to be less stringent, and to enable (as far as practicable) a more 'normalised' environment, even in a maximum-security setting.³⁶ As detailed in previous Casuarina inspection reports, the impact of the riot at Christmas 1998 was to dramatically increase internal physical (and procedural) security.³⁷ The most visible outcome was the construction of mesh fencing around the outside of each of the standard accommodation units with gates that remain closed at all times. An officer inside each unit controls access through the gate (which is

34 Hedges, J, *Security Review Casuarina Prison: Audit of Security and Emergency Management at Casuarina Prison* (Department of Corrective Services (February 2007).

35 *Action Plan – Casuarina Prison Security Review* (undated).

36 See OICS, *Code of Inspection Standards*, standard 18.

37 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No.11 (October 2002) [2.54] and [2.60]; OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005)[3.6]–[3.12].

also accessible by key if necessary). It is designed to control movement and separation of prisoners rather than prevent escape.

- 3.6 During the inspection, both staff and prisoners were asked about their attitude to the fence and what (if any) impact it had on the operational environment at Casuarina. The general consensus among both groups was that, while sometimes restrictive, the fencing was a positive feature. Many prisoners stated that it provided some sense of safety as it prevented large groups of prisoners gathering together (as tended to occur prior to the riot of 1998). Officers believed it provided them with a better means of entry control to the units, as well as providing a barrier for prisoners against other prisoners.
- 3.7 Despite the fences surrounding the accommodation units, Casuarina is designed as a facility with open spaces. The prison had in place good policies and procedures for movement control that ensured limits on the number of prisoners in any one location at any time. This practice ensured the safety of prisoners and staff.

Procedural Security

- 3.8 This Office's Code of Inspection Standards requires that all prisons have 'clearly defined procedures for preventing, and responding to, breaches of prison security ... applied with respect for the dignity of those involved'.³⁸ This includes controlling access to the prison, constant accountability for the whereabouts of prisoners, procedures for searching people and places within the prison, contraband detection and the collection and processing of intelligence information.
- 3.9 In relation to procedures regulating the entry of people and vehicles to Casuarina a number of issues were identified during the inspection. For security reasons these will not be discussed in detail in this Report, but in general terms the issues related to the searching of staff on entry to the prison; some aspects of the searching of vehicles entering the prison; and lack of searching of staff upon exit from the prison.
- 3.10 Throughout the course of the inspection, Casuarina conducted prisoner counts on a regular basis to account for the number of prisoners in locations throughout the prison. Occasionally a count would return an incorrect number as against the number of prisoners that were supposed to be in a specific location. In those situations, the count was required to be redone until the correct number was returned and the reason for the discrepancy determined. The routine for counts was observed to be thorough and efficient, although some prisoners stated that when they moved between units these counts could be confusing, because the counts were conducted in slightly different ways. Ideally procedures should be consistent throughout the prison.
- 3.11 Staff conduct random cell searches on a regular basis, as well as targeted searches based on intelligence. All cells are also inspected fortnightly under Casuarina Standing Order A3 for compliance with design standards, which incorporates inspection of the safety and security equipment located within the unit. Detailed records are kept of all searches.

38 OICS, *Code of Inspection Standards* (2007) 29.

- 3.12 Since the time of the last inspection the security management within Casuarina has taken a much higher profile, chiefly through improved ongoing interaction with staff and information sessions being conducted with them focusing on the importance and methods of information gathering. As a result, the quantity and quality of information reports being generated from the prison have significantly improved.

Dynamic Security

- 3.13 Staff interaction with prisoners is an essential tool in the security regime in any prison. Staff that are active within the prison, talk to prisoners and are visible in the accommodation units will always be more aware of what is going on in the prison. ‘Good dynamic security better enables incident prevention through the early detection of possible security or safety threats and by ensuring prisoners are actively engaged in the prison regime.’³⁹
- 3.14 The increase in the number of prisoners at Casuarina has reduced interaction with prisoners and thereby the level of dynamic security. Despite an increase to the level of uniformed staff to help cope with the increased prisoner numbers, most staff interviewed during the inspection said that they had little time to interact with prisoners due to the bigger administrative workload and day-to-day demands of working in the unit. This was also reflected in generally inadequate workspace and computers available to unit staff to complete required paperwork.
- 3.15 Observations during the inspection confirmed the lack of interaction occurring between staff and prisoners. Staff tended to remain inside the glass-panelled control room that looked out into each wing of the unit and only spoke to prisoners when one of them would approach a control room window to make a specific request. As well as withdrawing into the control room, the quality of interaction observed during the inspection was generally poor, with many prisoner queries resulting in quite abrupt and sometimes dismissive responses from staff. To some extent this emanates from the fact that large numbers of prisoners are constantly in the unit and making demands on the staff rostered there, as there is not enough alternative activities available in the prison for the increased prisoner numbers. This wears on staff and is a risk to the prison because as the population continues to rise staff will burn out, sick leave will increase and staff shortages will result.⁴⁰
- 3.16 Similarly, senior officers in charge of the accommodation units seemed to seldom leave their offices (located within the unit but away from the wings) and interact with their staff or prisoners. When this was raised with the relevant officers, the pressure of workloads was the main factor given that prevented them getting out more into the units.

Recommendation 7

That Casuarina management ensure that prison policies and procedures emphasise and encourage interaction between staff and prisoners and that support is provided to staff to maximise their opportunities to do this, with the Department monitoring this through incorporating a measure into its standards and compliance framework.

39 Coyle A, *A Human Rights Approach to Prison Management* (International Centre for Prison Studies, 2002) 63.

40 See Chapter 2 for an in-depth discussion regarding the impact of population pressures on staffing.

Use of Force, Weapons and Restraints

- 3.17 As a maximum-security facility, staff at Casuarina are sometimes required to use force, weapons or restraints in order to ensure the safety of staff and other prisoners. The ultimate authority for the use of force is contained in section 36 of the *Prisons Act 1981* (WA), which states that ‘the superintendent of a prison may authorise the use of such force as he believes, on reasonable grounds, to be necessary to ensure that his lawful orders relating to the maintenance of good government, good order, and security in the prison are carried out’.
- 3.18 The operational requirements relating to the use of force against prisoners are detailed in Policy Directive 5. The directive is a restricted document and is not publicly available; however, it is comprehensive in its detail and robust in terms of the reporting requirements for superintendents when force is used. The directive defines force as ‘the application of any manual restraint or other device imposed (forced) on a prisoner, other than where required under an escort routine or management regime ... principally relates to unplanned events that require immediate response’.
- 3.19 The definition of force therefore distinguishes use of force from the everyday requirements to occasionally use restraints. In the context of a high security prison, such as Casuarina, this is important since restraints are routinely used, for example, in escorting prisoners to the Multi-Purpose Unit following an incident.⁴¹ Since this is not covered by the directive, the strict reporting requirements dictated within it do not need to be followed, such as the filing of detailed reports by all staff involved in the use of force incident, the taking of photographs and video and the reporting by prison management to head office management about the incident.
- 3.20 Force should only be used as a last resort in managing prisoners and it should therefore not be a common occurrence in any prison. Between May 2006 and July 2007 there were eight ‘use of force’ reports submitted by Casuarina. Each of these reports was examined and found to be comprehensive and provided follow up detail on events and actions following the use of force. All complied with the requirements of the directive, and also complied with the requirements of this Office’s Code of Inspection Standards.

Emergency Management⁴²

- 3.21 The 2005 inspection report identified a number of deficiencies in the prison’s emergency management systems. In particular, deficiencies relating to the prison’s capacity to manage an emergency situation involving fire were identified. These included no emergency response exercises to prepare for a major fire, no liaison with local fire services and no desktop or practical exercises with the fire services.⁴³ This led to a recommendation relating to emergency management, namely that ‘the Department and Casuarina

41 It is a requirement that all prisoners under escort to the MPU are handcuffed under Casuarina Prison Standing Order A6.

42 The Office is currently undertaking a review of emergency management across the prison system, focusing on the policies, procedures and services of the Special Services Branch (SSB). This section will be limited to emergency management within the direct control of the management of Casuarina and not the Department (and SSB) generally.

43 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005).

Prison management review and improve local emergency management procedures and capabilities'.⁴⁴

3.22 Four months prior to this inspection the Department conducted an overall security review of Casuarina, including an audit of emergency management procedures. That audit identified a number of positive aspects of the prison's emergency response capability, but also made a number of recommendations for improvement. The two main issues identified by the audit were:

- the need to include an assessment in the orientation of all staff (uniformed and civilian) of their knowledge and understanding of their required actions in an emergency as per the prison's emergency manual; and
- the inconsistency between the prison's emergency procedures manual and the emergency quick action guide distributed to staff.⁴⁵

Three emergency exercises were conducted during the departmental review – an attempted escape, an emergency muster and a bomb threat. In all cases the staff were observed to respond appropriately and in a timely manner.

3.23 This inspection found that Casuarina's emergency response strategies had improved since the time of the last inspection. Where some gaps still existed, management was aware of these and had plans in place to address them. Specifically, the prison had addressed the recommendation from the 2005 report by:

- conducting bi-annual major fire exercises;
- arranging the attendance of the local Casuarina fire brigade for audit and familiarisation with the prison and its emergency management needs;
- training all new staff in use of breathing apparatus and basic fire-fighting;
- enabling the annual review of the prison's fire risk plan by FESA; and
- undertaking a review of the emergency procedures manual and the development of quick action guides.

3.24 The quick actions guides were found to be particularly good practice. An easy reference guide, they contained the tasks to be completed in the case of all main identified emergencies. These were distributed to each operational area of Casuarina and accessible to all staff.

Discipline and Punishment

3.25 A punishment regime that is operating fairly and respectfully will further enhance the security and safety of the prison. Staff have faith in a process that will back up their endeavours to maintain control and prisoners will respect the system if they know the rules and have some certainty about how they can expect to be treated should they break the rules.

44 Ibid., 63.

45 It should be noted that the manual was under review at the time of the audit and this issue was likely to have been addressed by the prison in this review.

3.26 This inspection found a significant improvement in the operation of discipline and punishment regimes at Casuarina since the time of the 2005 inspection. In his debrief at the conclusion of the inspection the Inspector stated that he was 'pleased to see the marked improvement to the prosecution and discipline process ... procedural fairness has improved'.⁴⁶

Control of behaviour by earning and losing privileges

3.27 An important aspect of the philosophy for the management of prisoners is that good prisoner behaviour should be rewarded by access to privileges and lower levels of supervision, whilst poor behaviour may result in a loss of privilege and higher levels of supervision. This philosophy is encapsulated in Casuarina Prison's Local Order 1.

3.28 Director General's Rule 3 provides that the following privileges may be granted to prisoners:⁴⁷

- access to canteen (prisoner shop);
- access to town spends;
- access to recreation, hobbies and sporting facilities or equipment;
- television sets, radios, cassette players or other electrical items in the prisoner's cell;
- computer in prisoner's cell;
- accommodation in self-care unit;
- musical instruments;
- approved items of personal property in prisoner's cell;
- access to library for recreational purposes; and
- any other privileges determined by the Superintendent.

3.29 A prisoner's access to these privileges is dependent upon compliance with the standards of behaviour expected of prisoners. Should a prisoner's behaviour contravene these standards, the unit manager can recommend that the prisoner's access to certain privileges be withheld for a specified period of time.

3.30 It is important that the use of loss of privileges (LOP) as punishment is accountable to ensure staff are not open to allegations of abuse of process. If this punishment is used arbitrarily or unfairly, it will lose its effectiveness in the management of prisoner behaviour. The LOP given to a prisoner should also attempt to relate to the behaviour that caused the sanction, so as to reinforce the importance of following the rule that was broken. The prison's Local Order 1 also stipulates that officers should always consider the appropriateness of the use of LOP in the first instance as a sanction, as an alternative to laying an official prison charge.

3.31 The LOP process was found to be accountable and generally used appropriately by staff. A request for an LOP to be applied to a prisoner is made by a staff member to the unit manager, who then recommends the LOP to prison management for endorsement. This process ensures accountability and a level of consistency across the accommodation units

46 Harding R, *Casuarina Prison Announced Inspection – Exit Debrief*, July 2007.

47 Department of Corrective Services, Director General's Rule 3, Privileges.

in applying LOPs. Management does not automatically endorse a recommendation from a unit manager if it is deemed not appropriate in the circumstance or not consistent with the prison response to the individual prisoner's action.

- 3.32 Prisoners also have the right to appeal an LOP applied against them. This is generally done in writing to the Superintendent. The overall process provided good checks and balances, ensuring uniformed staff had access to appropriate sanctions for controlling behaviour while prisoners could still be reasonably confident of being treated fairly.
- 3.33 Departmental Policy Directive 3 establishes the 'Hierarchy of Management (Privilege) Regimes and Close Supervision' (hierarchy) system that operates within prisons that provides another means of rewarding and punishing prisoners for their behaviour. The system consists of three levels of privileges – basic, standard and earned. All prisoners commence their time in a prison on the standard regime. Through their behaviour, they can then work their way to the enhanced (earned) regime. Conversely, bad behaviour can result in them moving to a lower level, losing some or all of their privileges. Once lost, privileges must be earned back through good behaviour and are not automatically returned (as is the case with an LOP).
- 3.34 The accountability of the management of the hierarchy system at Casuarina operated in much the same way as it did for LOPs. The accommodation unit manager recommended moving individual prisoners up or down a level, but was subject to the endorsement of a member of the prison management team. As with the LOP system, the inspection found the process was appropriate.
- 3.35 With the increased prisoner population there had been some negative impacts on the utility of the hierarchy system. Double-bunking has meant that some wings within standard accommodation units that were used as incentive accommodation (most notably Unit 5 and Unit 6) are no longer seen as desirable, as prisoners sometimes moved from a single occupancy cell in a standard wing to a shared cell in the incentive wing.
- 3.36 Another recent development that had caused some unrest amongst prisoners was the transfer of prisoners to the self-care unit (Unit 7) directly from the SHU or protection (Unit 6) as an incentive for the prisoner to enter the mainstream prison environment. This was done following an evaluation of what would be the safest and most appropriate placement for prisoners reintegrating from such protected or isolated units. While these placements may have been logical in the circumstances, they delayed the placement of other (already) mainstream prisoners into the self-care unit and caused some resentment. Prisoners need to be better informed of processes to ensure that situations such as this do not escalate into serious incidents.
- 3.37 A further level of regression was available to staff for use in limited types of circumstances. Under Departmental Policy Directive 3 close supervision could be used as
- a management option to maintain the good order and security of a prison. It is not intended as a punishment or as a part of a punishment. Its purpose is to temporarily remove prisoners from the mainstream prison population because they pose a threat

to other prisoners, staff or the security of the prison and require a greater degree of supervision and management than general prisoners.

- 3.38 At Casuarina, prisoners undergoing a close supervision regime were placed in the Multi-Purpose Unit. Operation of the regime in that unit is discussed further below in the context of prosecutions.
- 3.39 While overall it was found that the use of privileges systems to maintain control of prisoners' behaviour was generally positive, it should be noted that both staff and prisoners were critical of the system. Some uniformed officers felt that the LOP system was too lenient in many circumstances; whilst prisoners believed they system was unfairly balanced in the favour of staff. This difference of perception is not uncommon and has been found by the Office at other prisons. The main advantage of the LOP system is that it is immediate, generally endorsed (or not) by the end of the day on which an incident occurred.

The Prosecution Process

- 3.40 The inspection found the prosecution process at Casuarina to be efficient, transparent and fair. Charges were being heard during the period of the inspection laid against the prisoners on average some six weeks previous. This was a relatively quick turn around in the context of a prison prosecution system in the largest and highest security prison in the state. The time frame was also efficient given that more serious charges had to be brought before the Superintendent before he could then refer it on the Visiting Justice.⁴⁸
- 3.41 Observation of both a Superintendent parade and a Visiting Justice parade was made during the inspection, and an examination was made of documents and policies relating to prosecutions. Both were observed to be fair and consistent with the principles of natural justice. Those officiating over the hearings showed proper concern that the prisoners involved fully understood the charges and what their rights were during the process. The circumstances of each individual prisoner appearing before the hearing were taken into account when charges were being dealt with. The recent history of the prisoner was carefully examined as were any personal issues currently being experienced by the prisoner that may have contributed to his behaviour.

The Multi-Purpose Unit

- 3.42 The Multi-Purpose Unit (MPU) at Casuarina is a separate accommodation unit that houses two categories of prisoner; it accommodates special protection prisoners in one wing,⁴⁹ and the other is used as the disciplinary unit. Prisoners sent there for disciplinary purposes could be undergoing punishment following formal charge and adjudication, on the basis of a close supervision regime, for 'time out' as a management option, and for any other purpose as decreed by the Superintendent.⁵⁰

48 Under the terms of the *Prisons Act 1981 (WA)* the Superintendent, or his designate, hears 'minor prison offences' as defined under Section 69 of the Act, and a Visiting Justice hears 'aggravated prison offences' as defined under section 70.

49 The use of the MPU for the accommodation of special protection prisoners is examined at [3.74].

50 Rules governing the use of the unit for these purposes are specified in the various Casuarina Local Orders, Standing Orders or Departmental Policies and Rules.

- 3.43 The wing of the MPU used for punishment comprised 11 general cells and one management observation cell. This cell is used to accommodate prisoners that require high level of staff observation for behavioural rather than medical reasons. The cell was used infrequently, as management believed the Crisis Care Unit (CCU) was a more appropriate place to manage unsettled prisoners, and would only use the special cell if prisoners were too disruptive to the CCU environment.
- 3.44 While one of the prison's local orders required prisoners undergoing punishment to have at least one hour of exercise per day, and those undergoing close supervision access to three hours each day, prisoners were generally receiving more than their minimum allowance. Documents sighted during the inspection and interviews with staff and prisoners confirmed that prisoners would routinely receive five to six hours access to the yards each day, facilitated by the design of the MPU cells. A small external exercise yard was attached to each general cell in the MPU, rather than having one large communal exercise area for all prisoners. This allowed staff to give access to prisoners throughout the day, rather than having to fit the time in for each prisoner based on their workloads and the requirement to separate different categories of prisoners.
- 3.45 The systems in place for record keeping and accountability within the MPU were of a good standard. All prisoners had copies of the documents relating to their placement, and understood why they were there and for how long. Copies of their documents and regime were also located on the outside of each cell door. Each cell also had its own occurrence book at the door, with all incidents and information relating to that prisoner's time in the unit recorded. A member of management also visits the unit each morning and speaks with each prisoner to ensure their regime is being managed according to the plans provided.

SAFETY

- 3.46 As was detailed in the last inspection report of Casuarina, bullying is a complex issue that 'requires careful consideration, planning and consistent management'.⁵¹ The last inspection found that despite having an anti-bullying policy Casuarina was not implementing the strategies contained in that policy. Its anti-bullying committee was meeting only sporadically, bullies were not being targeted for effective intervention, staff were not being trained to deal with bullying, some staff were identified as engaging in bullying behaviour themselves, and staff interaction was not of a level that would assist in preventing bullying behaviour.
- 3.47 This inspection found that the general experience of prisoners was that bullying was not as prevalent as it was at the time of the last inspection. Most prisoners attributed this directly to the more proactive response from the security team at the prison, which now tended to actively enforce Casuarina's written anti-bullying policy. The prisoner MQPL survey results showed an acceptable overall score for physical safety (3.18), but this related mostly to prisoners having no difficulties with other prisoners (3.69). There were lower scores for questions about feeling safe from being injured or threatened by other prisoners (2.98) and the amount of bullying in the prison (2.74).

51 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005) 55.

- 3.48 Training in the recognition of and responding to bullying had also been provided more widely to staff. Training register figures provided by the prison showed that in 2006–2007, 104 staff had undergone training in the prison’s bullying policy and 95 staff in 2007–2008.
- 3.49 At the conclusion of the last inspection Casuarina management foreshadowed a plan to use one accommodation unit (Unit 1) as a dedicated management unit to segregate prisoners who were bullying others. The population pressures that have accrued in the intervening three years have meant that this did not occur. The main management option for handling bullies remains the segregation of those at risk of being bullied by placement in the protection unit (Unit 6). As detailed below, being accommodated in Unit 6 comes with some stigma in the prison, which deters many prisoners from wanting to be protected from bullying in that way. Additionally, bullying still occurs within the Unit 6 environment: it has its own pecking order among prisoners and therefore does not completely eliminate the problem. Targeting and managing bullies remains the best method of tackling bullying and Casuarina must maintain a strong course in this regard.

MANAGEMENT OF SPECIAL GROUPS

- 3.50 One of the facets of the complexity of Casuarina relates to the many disparate groups of prisoners that it is charged with managing. In a security and safety context, the inspection focused on the management of three different groups who are accommodated separately from the general prisoner population: those in the Special Handling Unit (SHU), protection prisoners accommodated in Unit 6, and prisoners located in the Special Protection Unit (SPU). While SHU prisoners are managed according to the risk they are assessed as posing to others (prisoners and/or staff), the latter two groups are managed because of the risk of harm that they may be subject to from other prisoners. However, the strategy of providing separated accommodation also makes it difficult for these prisoners to access services.

Special Handling Unit

- 3.51 The SHU is a highly specialised facility within Casuarina that accommodates prisoners whose offences and/or behaviour within the prison system requires they be subject to the highest level of staff supervision and the maximum level of secure accommodation. The SHU at Casuarina is the only such facility in a prison in Western Australia.
- 3.52 An unannounced inspection of the SHU was the first inspection undertaken by this Office upon its establishment in 2000, in response to a request by the then Minister for Justice.⁵² The appropriate treatment of prisoners residing in the restricted environment of the SHU has therefore been a focus for this Office at each inspection of Casuarina since that time.
- 3.53 The inspection of Casuarina in 2005 concluded that while staffing arrangements in the SHU had improved and were working well, the prisoners’ regime was unproductive and suffered as a result of the lack of involvement from staff with prisoners.

52 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).

This meant that prisoners were left unsupervised for much of the time and received little in the way of input from officers on a daily basis. Employment opportunities were almost non-existent, offender programs had not been run in the SHU for some time and a wide range of service staff (including programs staff, Prisoner Counselling Service staff and chaplains) reported considerable difficulty accessing prisoners in the SHU with reports of some staff actively obstructing their legitimate access.⁵³

- 3.54 This inspection found that there had been significant improvements to the daily operation of the SHU. These had emanated from two main actions by prison management – the appointment of a dedicated unit manager (rather than sharing one with the MPU) and the supplementary training received by staff rostered to the unit. A number of new staff had also been introduced to the SHU staff roster, which had assisted in the introduction of new perspectives and attitudes in managing this group of prisoners.
- 3.55 The changes had resulted in a less tense environment. Unit operations had been restructured, producing two separated wings – a west wing reserved for time out and for prisoners who felt vulnerable in the main SHU area, and an east wing for ‘mainstream’ SHU accommodation. At the time of the inspection two prisoners were residing in the west wing and six in the east. Those on the east side were unlocked from cell for the majority of the day and able to interact with each other or undertake activities within the unit.
- 3.56 The practicality of keeping this group of prisoners separated from others impacted on the extent to which they accessed a number of services, but the prison generally tried to ensure some level of access was granted. Prisoners in the SHU were not accessing offender treatment programs at the time of the inspection, but this situation was no different to the problems being experienced by prisoners in the mainstream population.⁵⁴
- 3.57 SHU prisoners received social visits in an area adjacent to the unit and were able to be facilitated every day. The area contained two visits tables and an area where children could watch DVDs. Supervision during visits was necessarily high, given the status of the prisoners involved, but the processing and searching procedures for visitors attending the area were no more onerous or invasive than those for mainstream prisoners’ visitors. A prison chaplain also regularly attended the unit to talk to prisoners.
- 3.58 Constructive activity was clearly difficult to provide. Employment opportunities for SHU prisoners were limited to cleaning and cooking. Education was available to all prisoners through a tutor who attended the unit three times a week, for two hours each time. Library resources were provided to prisoners on request.
- 3.59 As the prisoners’ ability to access recreation was also limited, it was pleasing to find that the prison had recently surveyed those accommodated in the SHU in order to provide activities and equipment that would actually be used. Prisoners had indicated a preference for unstructured activities, and so the prison had provided more exercise equipment and had instructed a recreation officer to attend the unit at least once each week to address any issues raised by the prisoners.

53 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005) 23.

54 The reasons for this are examined in Chapter 6 of this Report.

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- 3.60 The physical health needs of SHU prisoners were being adequately met by the daily attendance of health centre staff. Health staff would attend to distribute medication and at the same time prisoners could request further medical assistance (such as an appointment with the doctor). The mental health needs of prisoners were not being met as adequately. In January 2007, Prisoner Counselling Service (PCS) staff withdrew services from the SHU. This was done in protest at what was experienced as an environment too concentrated on security and counter-productive to the therapeutic and rehabilitative role of the PCS. While the SHU does accommodate some prisoners assessed as a serious safety risk, the risk they present also indicates a likely acute need for support services. It is essential that a balance be found that can meet both safety and therapeutic needs. At the time of the inspection, one PCS staff member had recommenced attendance in the SHU to provide general risk assessments for prisoners, but no ongoing counselling. The Manager PCS and the Superintendent were working to try to resolve this conflict, which will be monitored closely by the Office.
- 3.61 Documentation provided to the Office and an interview with prisoners confirmed that case management of SHU prisoners had improved since the last inspection. Reasons for placements in the SHU were clear and evidenced and reviews of their placement were conducted regularly resulting in monthly reports for each prisoner. Each prisoner has a thorough review every three months, which includes their own compulsory attendance at a meeting discussing and documenting their placement and progress.

Protection Prisoners in Unit 6

Reintegration Planning

- 3.62 The majority of prisoners accommodated in Unit 6 are assessed as being at risk of harm from other prisoners, or perceive themselves to be at risk, generally due either to the nature of their offences⁵⁵ or their personal history with other prisoners. The unit also accommodates a number of prisoners who have been classified as vulnerable, which includes those with intellectual disabilities, mental health problems or an acute inability to cope amongst the general prison population.
- 3.63 While the protection regime acts to ensure the immediate safety of these prisoners, the overall intent of the regime is to manage prisoners safely towards reintegration with the general prison population.⁵⁶ The need for the protection regime and the extent to which it is used, is affected by the level of bullying within the prison, as discussed above at [3.47]–[3.50].
- 3.64 The 2005 inspection of Casuarina found a number of deficiencies with the management of protection prisoners in Unit 6, especially about reintegrating these prisoners back into the general prison population.⁵⁷ This resulted in a recommendation that ‘Casuarina Prison management ensures that all protection prisoners have a clear and realistic plan for their progression to mainstream, that progress against this plan is monitored and reported and

55 Offenders against children, in particular sexual offenders, are the main target of other prisoners.

56 Operational Instruction 4.

57 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005).

that stringent anti-bullying processes are in place to ensure the safety of post-protection prisoners'.⁵⁸

- 3.65 This inspection found that while individual plans for the reintegration of every protection prisoner into the mainstream population were not in place, regular reviews of the protection status of all Unit 6 prisoners were occurring, recommendations for reintegration were being thoroughly researched by staff and plans for those prisoners identified as appropriate for reintegration were being formulated.⁵⁹
- 3.66 A system had been established to regularly review the status of all prisoners accommodated in the unit. The Unit 6 senior officer reviews the reasons for every protection prisoner's placement on a weekly basis by checking the alerts listed against each prisoner on the Total Offender Management System (TOMS). If the officer considers that the alert may be out of date or no longer applicable,⁶⁰ all the prisoners involved are interviewed.⁶¹ If the protection prisoner agrees to be reintegrated into the mainstream population, the senior officer submits a written report recommending this course of action to prison management. The reports viewed during the inspection were comprehensive and detailed the rationale behind the recommendation for transitioning prisoners into mainstream placement.
- 3.67 This process of reintegration necessarily relies on the initial agreement of the individual protection prisoner involved, which can be extremely difficult to negotiate. To prison staff the move from protection to mainstream may appear to be a logical progression in the assessed circumstances, and one supported by the Office through its 2005 recommendation.⁶² However, this may not be so clear to the prisoner involved, who may perceive himself as extremely vulnerable, regardless of changed circumstances. Prisoners interviewed during the inspection saw reintegration as a serious threat to their personal safety and actually heightened their own perceptions of themselves as a vulnerable and special needs group.
- 3.68 The result of this perception was that many protection prisoners identified by staff as suitable for reintegration resisted this process. Where this occurred, staff persisted with the reintegration process to encourage the prisoner's acceptance. This approach had not generally been successful, with most prisoners forced into mainstream eventually being placed in the Crisis Care Unit (CCU) due to their inability to cope, and then back into Unit 6.
- 3.69 There had, however, been a number of instances of successful reintegration of protection prisoners. The reintegration plans of these prisoners showed the high level of work that was required to ensure a smooth transition. A random case tracked by the Office demonstrated that Unit 6 staff and prison management had worked together to develop a suitable transition plan that took into account factors relevant to the individual's case.

58 Ibid, 65.

59 This process substantially satisfies the requirements of Casuarina Prison's Local Order 7.

60 This could be due to any number of reasons, including transfer in or out of other prisoners, change in circumstance for the protection prisoner, or resolution of a dispute between different family groups that had previously caused conflict.

61 As well as the protection prisoner involved, this would include those prisoners who are identified as posing the risk of harm to that prisoner, and any other prisoners who may provide relevant information.

62 Recommendation 22.

Access to Services

- 3.70 As a group of prisoners requiring separate accommodation and management the provision of routine services to protection prisoners is often a difficult exercise for staff at Casuarina. It requires providing access to visits, work, education, training, recreation, library, medical services and offender treatment programs for protection prisoners while keeping them physically separated from mainstream prisoners. The Code of Inspection Standards of this Office requires that all groups of prisoners be provided with equitable access to all prison services.
- 3.71 This inspection found that protection prisoners generally had an acceptable level of access to most services. Since the time of the last inspection, management has integrated the visits regime and protection prisoners now share a common visits schedule and facilities with mainstream prisoners. While some protection prisoners were apprehensive about the integration, there had been no evidence of any risk to the safety of any prisoners or visitors since its introduction. Visits are subject to high levels of supervision and such a practice is entirely consistent with the stated objective of protection and the previous recommendations of this Office.
- 3.72 Employment options for protection prisoners were restricted to a few selected work locations; however, this still provided some choice and an adequate number of positions. In fact, despite these limitations and the high overall prisoner population, most prisoners residing in Unit 6 were employed.⁶³ The only other unit in Casuarina with such a high employment rate was the self-care unit (Unit 7) where employment is a pre-requisite to residence. Protection prisoners could work in the kitchen, garment workshop, canteen, infirmary, as well as undertake unit-based work such as cleaning.
- 3.73 Other services were reserved for protection prisoners on a timetable at a specific day and/or time each week. This included education, canteen and access to recreational facilities. Unit 6 prisoners interviewed during the course of the inspection stated that many of them did not make use of the allocated oval time because they feared being verbally abused by prisoners as they walked past the mainstream units to the oval (despite being escorted by uniformed officers).

Special Purpose Unit Protection Prisoners

- 3.74 Like prisoners residing in Unit 6, SPU prisoners have been assessed as requiring protection from other prisoners, including those in Unit 6. This is often associated with the high profile nature of their offences or their professions prior to being convicted and imprisoned (such as police officers or prison officers). Others reside there due to the sensitive nature of their employment within the prison, which could expose them to pressure from other prisoners to participate in unlawful behaviour (such as stealing information or accessing prohibited goods). Casuarina's Local Order 8 states that 'prisoners held in the SPU area of the MPU will include those requiring a high level of protection, Section 94 workers, reception room workers and other prisoners working in security sensitive areas of the prison.'
- 3.75 The SPU is located in one wing of the MPU, which is used for punishment and non-

63 Only five prisoners out of 63 were listed by the prison as awaiting employment.

permanent high-supervision accommodation. The unit comprised eight cells, three of which were double-bunked. At the time of the inspection only one of these cells was being used by two prisoners, with a total SPU prisoner population of nine.

- 3.76 The unit was managed under a self-care regime with prisoners sharing cooking responsibilities. Two courtyards attached to the unit contained various exercise equipment to provide recreational opportunities for the prisoners. While also having access to the main gym and oval on the weekends (at the same time as Unit 6 prisoners), SPU prisoners stated they did not take up this option as they felt at risk from other prisoners.
- 3.77 One unit manager was responsible for operations across the SPU and the MPU. Interviews conducted during the course of the inspection indicated that prisoners had respect for the staff and felt they were, in turn, generally treated with respect. This is especially important in an environment that is secluded and where there are limited opportunities for many prisoners to have time away from each other or staff.
- 3.78 Nonetheless, SPU prisoners said they felt like the ‘forgotten population’ of Casuarina, particularly with regard to access to services. In some respects, this was true. While not due to the lack of good effort and attitude of staff assigned to the area, the practicalities of the high level of supervision required by the prisoners, combined with their relatively small number, meant access to services often suffered.
- 3.79 Access to education was, again, shared with Unit 6 prisoners, of whom SPU prisoners were fearful. Further, despite the Office being told that education staff also attended the SPU regularly to meet the educational needs, prisoners asserted that this seldom occurred. One prisoner stated he had submitted eight unit interview forms requesting that education staff attend the unit to assist him with his registered course, but nothing had happened and he consequently withdrew.
- 3.80 The work undertaken by many prisoners residing in the SPU was integral to the operation of the prison, such as assisting in prisoner reception, administration and prison stores. Staff in these areas depended greatly on the work of these prisoners to ensure the smooth operation of their area. Because of this it was extremely difficult for these prisoners to be absent from their work, and often cost them the opportunity to participate in other activities, such as courses to increase their skills or knowledge.⁶⁴
- 3.81 Due to the high risk to the safety of SPU prisoners from others, it is necessary for two uniformed officers to escort an SPU prisoner outside of the accommodation unit. This often caused logistical problems for staff in the SPU, as they were also responsible for the MPU where it is essential to maintain staffing levels due to the nature of prisoners being kept there.⁶⁵ Some SPU prisoners stated that this sometimes caused them to miss medical and dental appointments, compromising their wellbeing. While this was not the fault of staff, it is not acceptable for this to occur.

64 For example first aid and fork lift driving.

65 That is, prisoners on high supervision regimes or for punishment purposes.

Chapter 4

CARE AND WELLBEING

ACCOMMODATION

- 4.1 Cleanliness, tidiness and hygiene were found to be adequate in all accommodation areas. Each prisoner was responsible for keeping his individual cell clean. Unit cleaners were responsible for maintaining the living areas, ablutions and for general unit cleanliness. Self-care prisoners used a roster to maintain the unit common areas. Unit staff were responsible for monitoring general cleanliness and hygiene throughout the units. Positive responses were returned in the prisoner MQPL survey for individual questions on ‘having the opportunity to keep oneself clean and decent’ (a score of 4.20) and ‘keep one’s living area clean and decent’ (a score of 4.06), as part of the ‘dignity’ dimension that attained an overall score of 3.39.
- 4.2 The ligature (hanging) point removal program had involved the remodelling of cell fittings and furnishings to reduce the opportunities for prisoners to self-harm or suicide. This was a costly process and at best can only be expected to reduce rather than eliminate all hanging points. The difficulty of the practicality of the program was exemplified by the dilemma faced by management in creating double bunks in most cells as to whether to provide ladders and rails for upper bunks.⁶⁶ The program had also caused ventilation concerns for some prisoners with the replacement of sliding windows with a smaller number of meshed covered louvers. The prison should monitor this, especially in the hot summer months.
- 4.3 Casuarina’s building infrastructure was starting to show its age (almost 20 years old) and the Business Manager stated that it was increasingly difficult to find spare fittings or components, such as replacement valves on the sprinkler system. Also, with the increase in prisoner numbers, it was acknowledged that it will become more difficult to carry out maintenance or upgrades inside the prisoner accommodation units. An example of this was a proposed refit of the shower blocks in the standard units, but the prison was unable to close down showers due to population pressures.

Double bunking

- 4.4 At the time of the inspection the majority of cells in the standard and self-care accommodation units had been transformed into bunked cells. This program was due to continue until all possible cells had bunk beds, and Casuarina can accommodate some 680 prisoners. While to date this had been handled reasonably well by Casuarina, it is concerning to the Inspector that double-bunking may become an accepted norm in the Western Australian prison system. It absolutely should not.

Recommendation 8

That the Department should not adopt a position where double-bunking of prisoners becomes an accepted norm in the Western Australian prison system.

- 4.5 Due to concerns about self-harming and suicidal behaviour, the prison had not provided any means for prisoners to access the top bunks or provided rails to stop prisoners rolling out of the bunks. The Inspectorate was shown a number of drawings of prototype ladders

66 For further discussion on double bunking see [4.4].

intended to provide assistance to climb to the top bunks while reducing any grip for a ligature, but ultimately these problems remained to be solved. In the meantime many prisoners complained about the difficult and unsafe access to top bunks (usually performed by standing on the toilet and then the top of a half-wall adjoining the toilet and then finally onto the bed).

- 4.6 The Department has a standard multiple cell occupancy assessment form that should be completed by uniformed staff before a prisoner is allocated to a doubled-up cell. While most prisoners had undergone this assessment and staff were thorough in checking the appropriateness (generally on safety grounds) of any allocated sharing, a few prisoners who had not been assessed were found to be sharing a cell. The form also overlooks the issue of the age of prisoners allocated to share, and there were some allocations that resulted in a young man of approximately 20 years of age sharing with a mature-aged man of approximately 60 years. The incompatibility of such arrangements causes problems between the prisoners and ultimately the staff who have to referee the conflicts. Similarly, there were situations where a younger man was allocated the bottom bunk and an older man the harder-to-access top bunk. In such matters commonsense must be exercised.
- 4.7 Due to the population pressures, there was no guarantee given by the prison that non-smokers would not be double-bunked with smokers. The question was asked in the multiple-cell occupancy checklists, and generally unit managers would try to move prisoners around to avoid the need to accommodate non-smokers with smokers, but this was not always possible. Some non-smokers are therefore confined with smokers in cell for more than 12 hours every night, plus other lock-down periods such as over lunch. This is an important health issue, particularly in cells with limited ventilation and access to fresh air.

Clothing and Bedding

- 4.8 Prisoners are issued with two sets of clothing and one set of linen. The clothing issued included new underwear and socks, and recycled outer clothing. Prisoners could arrange additional or replacement clothes items or clothing repairs via their unit office, and could purchase sports socks and underpants from the canteen. The increasing population had created a number of clothing issues for prisoners, including reported shortages in the units of pillows, towels and bedding, and problems with the supply of clothes from the laundry.
- 4.9 The 2005 inspection report recommended ‘that the Department more generally review the viability of Casuarina providing its own kitchen and laundry facilities’.⁶⁷ The prison had lodged a business case with the Department for separate laundry facilities but this had been unsuccessful. At this inspection the situation therefore remained the same: without its own laundry but with some small-scale laundry capacity in the industries area laundering kitchen workers’ clothing and miscellaneous other items. Self-care prisoners had access to laundry facilities for clothing in their units (that is in Unit 7, self-care wings in Unit 6 and Unit 5, and the Special Protection Prisoners). All other prisoner clothing, and prisoner bedding was sent out of the prison to be laundered at Hakea Prison, with clothing collected daily during working week and bed linen collected weekly by a roster of units.

⁶⁷ OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005), recommendation 19.

- 4.10 With the high number of prisoners now accommodated at Casuarina, the problems previously experienced with regard to the quality of laundering and the loss of laundry, seemed to have worsened. Unit 2 was piloting a process of exchanging soiled laundry for clean items out of a stock held in unit (bulk laundry rather than using laundry bags for individual's items) but this was not working well because of the increase in prisoner numbers. The difficulties being experienced in finding constructive employment opportunities for prisoners is another reason in favour of providing on-site laundry facilities, as it should provide work for a significant number of prisoners. For these reasons the Inspectorate reiterates its previous recommendation.

TREATMENT OF PRISONERS

Is there an Environment that Fosters Mutual Respect?

- 4.11 Generally, relations between staff and prisoners at Casuarina were found to be acceptable; however, as is often the case, this was not consistent across the prison. Inspection officers observed some interactions in which staff were very rude or abrupt with prisoners. Many prisoners were of the view that the newer officers were trying to make their mark by being unnecessarily harsh with prisoners.

'When you ask them for something they tell you to fuck off or piss off. You knock on the window. And they don't like how we come knocking on the window so they just tell us to piss off, come back later. But it's their job to come up and answer what we want.'

- 4.12 One factor possibly impacting on officer attitude is the apprehension of another riot or major event occurring in the near future with the increased overcrowding. The inspection found that officers tended to cluster together in the safety of the unit control pods, rather than moving through the unit day spaces, putting a barrier between themselves and prisoners. This was having a negative effect on staff/prisoner relations in generally.
- 4.13 The MQPL results generally reflected a prison with a control emphasis and care deficit. Twelve respondents (out of 68) listed unfair treatment/staff attitudes in their top negatives about Casuarina. Overall, responses to the relevant dimensions of 'relationships', 'fairness', and 'respect' were negative (2.98, 2.80 and 2.78 respectively, out of five where three is neutral). However, a number of individual questions rated positively, such as getting on well with officers in the unit (3.36); fair treatment by staff (3.23); and being addressed by staff in a respectful manner (3.25). This was balanced against negative responses to other individual questions such as trusting the officers (2.30); staff displaying honesty and integrity (2.69); staff treating the prisoners with kindness (2.58); and prisoners being treated as a person of value (2.63).
- 4.14 From the staff perspective, 19 staff respondents (out of 65) to the MQPL survey listed prisoner behaviour/attitudes in their top negatives about the prison. However, overall the 'relationships with prisoners' dimension was positive, with a score of 3.46, which included questions about prisoners respecting staff (3.35); staff being trusted by prisoners (3.33); and enjoying a good relationship with prisoners (3.65).

Aboriginal Prisoners

- 4.15 At the time the previous inspection report was written, Aboriginal prisoners comprised 36 per cent of Casuarina's total population. During the inspection week, 46.4 per cent of the total population were Aboriginal (268 out of 578 on 17 July 2007).⁶⁸ Almost 40 per cent of the Aboriginal population were being held significantly 'out of country' (106 prisoners), with home prisons of Eastern Goldfields, Greenough, Roebourne and Broome (though ranging from these towns far out into remote communities). Over the first half of 2007, the prison held on average 110–140 displaced Aboriginals, not counting those from the outskirts of Perth or from the south-west of the state.
- 4.16 While offender treatment programs generally are in a poor state, there is also a distinct lack of culturally appropriate programs for Aboriginal prisoners. A pilot group of the Indigenous Family Violence Program ran at Casuarina; however, due to a lack of co-facilitators no further programs had been scheduled. Noongar Alcohol Substance Abuse Service (NASAS)⁶⁹ attends the prison regularly, but there is limited access.
- 4.17 Immediately prior to the inspection a short version (half a day) of a newly developed, two-day, cultural training package was delivered to staff. About 190 custodial and non-custodial staff completed this training. It was received very positively, but most staff commented it was too short and many did not get the opportunity to attend.

Displaced Aboriginal Prisoners' Unit

- 4.18 To address the issue of the increasing number of out-of-country Aboriginals being accommodated at Casuarina, at the time of the inspection management were creating one unit dedicated to this group of prisoners. The Displaced Prisoners Unit was being established in Unit 1⁷⁰ with the underlying intention to alleviate the risk of self-harm and suicide brought on by the increased stress and distress of prisoners held out of their home countries for extended periods of time. This was to be achieved through the provision of culturally appropriate activities and services and by companionship from countrymen in the unit.
- 4.19 Three of the four landings of the unit were devoted to displaced prisoners. Originally the whole unit was to be used, but a number of Noongar prisoners and long-term residents expressed their desire to stay, resulting in the retention of one landing as 'mainstream'. These prisoners were not able to access the activities specifically set aside for the cultural groups within the unit, but were able to participate in similar activities available to the mainstream population elsewhere in the prison.
- 4.20 Two fire pits, a number of work-stations (with power and water available), barbeque and prisoner toilets were in the final stages of installation in the enclosed area behind the unit

68 Number taken from TOMS.

69 Since the time of the Inspection the name of the service has been changed to the Aboriginal Alcohol and Drugs Service (AADS).

70 Unit 1 had been used to manage difficult/dangerous prisoners following the 1998 riots, then reverted to mainstream accommodation and at the time of the previous inspection in 2004 was to be developed to manage difficult/predatory prisoners in single-cell accommodation. Due to continuing population pressures, single-cell accommodation was not possible so plans were shelved. The Displaced Prisoners Unit concept was developed in 2006.

during the inspection. Work was due to start on a mural across the back wall, with an art tutor available one day a week for this project, and would employ prisoners from the Pilbara, Kimberley and Eastern Lands.

- 4.21 Initial plans for the unit were to run information sessions using existing resources from the prison: health information sessions once a week (focusing initially on diabetes and cardiac health); ‘storybook’ sessions and healthy eating sessions using education staff one day a week; and assessments information sessions once a week on topics such as parole, funeral applications and transfers for visits. Future plans included the running of the 20-hour cognitive skills course (two sessions per week for four weeks) with two groups from the unit running concurrently (for displaced prisoners and some groups for Noongars in the unit); senior first aid; men’s health ‘Pit Stop’ program; and accredited training in rural horticulture TAFE courses.
- 4.22 A business case had also been lodged with the Department to build an ‘Indigenous Activity Centre’ in front of Unit 1, over the existing unused basketball court. The prison was looking for appropriate industry and work options for regional prisoners, to run training and skilling activities in the future activity centre thus providing employment for some of the Unit 1 prisoners.
- 4.23 There will be a maximum 78 ‘displaced’ prisoners accommodated in the unit, alongside up to 26 mainstream prisoners (all accommodated in one wing). During the inspection there were about 104 displaced prisoners accommodated across the prison site. Management stated that those who were not residing in Unit 1 would still be able to access the activities run in the unit, with tentative plans to create ‘job-share’ arrangements to facilitate access. Once Unit 1 is running well for the displaced prisoners, the prison may establish a separate Noongar Unit.
- 4.24 It is intended that staffing in the unit will be stable, but initially this will be the current unit staff rather than a hand-picked group. Unit staff had been advised of the proposals for the unit and told by management that they will be moved out of the unit if found to be unsuitable or could be transferred by request. This had resulted from some prisoner comments that displaced Aboriginal prisoners ‘are treated bad’ by some officers, that officers did not understand cultural issues and that they did not always give free phone calls home. In addition, some female officers allegedly displayed inappropriate attitudes, which was particularly uncomfortable for some of the traditional men. Management must act to ensure that staff attitudes and behaviours towards these prisoners are appropriate.
- 4.25 A significant issue for these prisoners is returning to their ‘home prison’ in adequate time to properly prepare for release. Prisoners were generally transferred only about a week or so prior to release. This does not give prisoners an adequate opportunity to reconnect with family or make plans for release, particularly if they need to make arrangements to show to the Prisoner Release Board. The Department needs to examine how it can better manage this process in the current climate of high musters.

PHOTOGRAPHS

The Gatehouse entrance. The perimeter security arrangements in place at Casuarina are of a standard that should enable the community to have confidence in its ability to prevent escape or incursion [3.4]-[3.5].



Double bunks are being introduced across the prison to help with the increasing prisoner population across the system. Safety concerns has resulted in the prison not providing a means for prisoners to access the top bunks or rails to stop prisoners rolling out of the bunks [4.4]-[4.6].



Aboriginal prisoners accounted for 46.4 per cent of the total population on the first day of the inspection at Casuarina. The Prison has two main Aboriginal meeting places for prisoners to gather – one near the gymnasium and the other at the shelter next to the sports oval. There is, however, a distinct lack of culturally appropriate programs for Aboriginal prisoners [4.15]-[4.17].



PHOTOGRAPHS



The Prison was building a dedicated unit to address the needs of the increasing number of out-of-country Aboriginals it was accommodating. The Displaced Prisoners Unit was being established in Unit 1 with the creation of open areas in which prisoners can participate in culturally appropriate activities, many aimed at skills development. A fire pit was also being constructed to enable prisoners to cook traditional foods by traditional methods [4.18]-[4.25].



Outcare managed the external visitors' centre at Casuarina. The centre included a children's play area, sufficient storage lockers and a kitchen with tea and coffee making facilities [4.27]-[4.33].



Prisoner's access to work was very limited due to a combination of the high prisoner population and a difficulty in recruiting Vocational Support Officers (VSOs). At the time of the inspection there were nine VSO vacancies, with Departmental policies being a major hurdle to appointing new staff [5.45]-[5.52].

Recommendation 9

That the Department and Casuarina work together to put better systems in place for the release planning and release back into the community of displaced prisoners. In particular, they should be given more opportunity to spend time at the home prison before release.

Noongar Prisoners

'You get these blokes from remote areas, they sort of get their two free phone calls a month or whatnot but us Noongars don't seem to get anything. I mean they're making Unit 1 up for all the countrymen from up north, all the full bloods and whatnot, and they're doing all these special things for them. Not having a go at them, it's good in a way, but us Noongar fellas are not getting nothing.'

- 4.26 During the inspection, Casuarina management acknowledged that there had been some perceptions amongst the Noongar prisoners that the displaced regional Aboriginal prisoners were receiving favourable treatment. Management had made a point of meeting with groups of prisoners to discuss any issues arising from the displaced prisoner strategy, and cited the change of plans to retain one wing of Unit 1 as mainstream as an outcome of such discussions. Management should keep a watching brief on this to ensure that relations between prisoner groups do not become antagonistic.

Recommendation 10

That Casuarina ensures equity of access to services to all prisoners who are entitled them and to improve communication with prisoners to safeguard against perceptions of bias and inequity by any prisoner group (see also [4.40]–[4.42]).

EXTERNAL CONTACTS

Social Visits

- 4.27 Casuarina's visits centre was adequate, and visits were well managed, particularly considering the overcrowding at the time of the inspection. The number of visit sessions was one of the factors contributing to the efficient management of the increasing number of visit bookings. Visiting sessions were held daily, with six sessions per day on weekends and public holidays. The weekday sessions were started at 4.15pm to accommodate both prisoners and visitors who work. Prisoners could elect to have their allotted visit sessions run concurrently which allowed them to have two-hour visits with their visitors. The prison also provided a bus service on Tuesdays and Thursdays and for the afternoon sessions on the weekend.
- 4.28 Another significant factor contributing to the adequacy of visits was the number of out-of-country prisoners too far away from home to receive visits. Few prisoners complained that the increasing prisoner population was having an effect on the availability of visits although on one occasion, visitors who were indicated by the drug detection dog were unable to have a visit due to the unavailability of non-contact booths. There were 22 visit tables available, although staff advised that they could take up to 26 visit bookings to allow for latecomers and those visitors who failed to arrive. This was a good, flexible approach.

- 4.29 Access to adequate opportunities for social visits is likely to remain at an acceptable level as long as displaced prisoners make up a significant proportion of prisoner population. However, should this alter and more metropolitan area prisoners are accommodated, demand for visits will increase and the pressure on the service will rise. Similarly, the plans to increase Casuarina's population by another 100 prisoners in the near future will also cause some stress on this important prisoner service.
- 4.30 Outcare managed the external visitors' centre at Casuarina. The quality of the service that was provided and the friendly approach of the Outcare staff were to be commended. The facility itself was in good condition and provided a level of comfort for visitors waiting to enter the prison for their visit, including a children's play area, sufficient storage lockers and a kitchen with tea and coffee making facilities.
- 4.31 A childcare worker attended the afternoon internal visits sessions on the weekends. Her primary responsibility was to supervise the children in the outside play area that was attached to the visits centre within the prison. The play area was exposed to the elements, except for a shade sail. There were many complaints from prisoners and visitors about the impact of rainy weather and the extreme heat in summer. The outside play area is generally a great asset, but in rain or heat the area clearly has significant drawbacks. However, if the area was completely closed during these times it would place additional strains on the internal visiting area and children would likely become restless in the confined space. The prison should seek to resolve this issue in consultation with visitors who regularly use the playground.
- 4.32 Many prisoners wanted to be able to spend time playing with their children in the playground, but this was only permitted on the first Friday of each month during Family Incentive Visits. Other than supervision issues, the prison could not justify why prisoners could interact with their children in this area on some occasions and not others. It would greatly assist in the maintenance of family relationships for this problem to be overcome and interactive playtime permitted more often.
- 4.33 A positive initiative was the integration of protection and mainstream prisoners during visits sessions. Although some protection prisoners felt somewhat vulnerable during visits, there had been few incidents, either in the visits centre within the prison or in the visitor's centre. Protection prisoners were allocated certain tables in the visits centre based on their proximity and line of sight placement to the officers. This practice ensured that protection prisoners had as much access to social visits as their mainstream counterparts.

Security during Visits

- 4.34 Uniformed staff supervising social visits generally acted professionally, treating visitors respectfully. Having permanent staff in the gatehouse means that staff have developed some expertise in dealing with prisoners' families and that the visitors experience the same group of staff every time they come and feel more at ease. All visitors pass through a metal detector to access visits, and may be required to search by the drug detection dogs (when they are on site). Over the past six months the dogs have been at Casuarina almost daily. When a dog

indicates a visitor has had contact with drugs, the visitor is given the option of undergoing a pat search and having a non-contact visit or leaving the prison.

- 4.35 The prison had recently begun requiring prisoners to wear special jumpsuits to social visits, primarily as a drug reduction strategy. The jumpsuits had no pockets, elasticised sleeves or any other compartments in which contraband could be concealed. Before entering the visits centre, prisoners were required to take off their normal prison clothing, including footwear, and put on a jumpsuit and a pair of thongs. An officer would zip the jumpsuit and fasten the zipper with a plastic tie that could not be removed without being cut off.
- 4.36 The effectiveness of the jumpsuit system, in terms of a reduction in drugs entering the prison, was difficult to gauge. Officers commented that many of the jumpsuits had been damaged with prisoners smuggling razor blades into the visits area and then cutting holes in the jumpsuits in order to conceal drugs in their bodies. Prisoners also did not believe they were an effective drug reduction strategy. The level of drug activity in the prison since the introduction of the suits⁷¹ supports the views of the officers and prisoners, and Casuarina management should review how the suits are being used and how this strategy may be improved.

Dislocated prisoners

- 4.37 In the 2005 inspection report the Office commented that the Department's policy relating to the placement of prisoners as close to their homes as possible was 'largely irrelevant' due to the 'chronic shortage of regional beds in the north and east of the State'.⁷² This affects Aboriginal prisoners the most, as they are more likely to come from the remote areas of Western Australia. The report also referred to the number of Aboriginal prisoners that were accommodated at Casuarina who, where the beds available, would be accommodated elsewhere in regional prisons closer to their homes and families.
- 4.38 Unfortunately, this was still the status quo in 2007 (there were 106 displaced Aboriginal prisoners at Casuarina when the inspection commenced). This accounted for 40 per cent of the Aboriginal prisoner population at Casuarina and almost 20 per cent of the total prisoner population. It was this group of prisoners, therefore, that drew considerable attention during the inspection in terms of the prison's strategies for ensuring that relationships with displaced friends and families were maintained through whatever form of contact was accessible and appropriate.
- 4.39 The inspection found that Casuarina had initiated a range of measures to ease the trauma associated with being isolated. In particular, there was extensive use of video visits for social purposes. As long as a video visit could be facilitated at the visitor's end, the prison would facilitate a visit. This was supported by the data provided which showed that the prison facilitated 21 video visits for social purposes in May 2007 and 23 in June 2007. These included some interstate sessions as well as inter-prison visits, including the regional prisons, Greenough, Eastern Goldfields and Roebourne. These figures were impressive given that the video link equipment was also used for court purposes.

71 See [4.63]–[4.67] regarding the level of drug activity within the prison.

72 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005) 51.

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- 4.40 Prisoners were required to pay for social video visits, which was \$4 for a 20-minute video link-up. However, if the visitor initiated the video visit the prisoner faced no cost and this was most often what occurred.

Telephone Contact

- 4.41 In his exit debrief the Inspector commented that, '[T]he prison does not have enough phones to cope with its population. The Hakea standard and the Bandyup standard is higher. I know that four more have been ordered since we came on-site. I rather doubt whether four will do the job, and you really have to keep looking at that'.⁷³
- 4.42 There was also a confused approach towards the granting of additional free telephone calls for prisoners who were isolated from their homes and families. Different members of staff had a different understanding as to which prisoners were entitled to such calls and how they were to be provided. Most prisoners were also unclear as to whether they were entitled to them. The policy, as provided by Casuarina management, is that prisoners who are isolated from family and friends are allowed two such free telephone calls per month each of 10 minutes' duration. This needs to be made clear to all prisoners during their orientation process.
- 'When you ask them for free phone calls – they don't tell the prisoners, you know? People from the country, they're supposed to get free phone calls once or twice a month. Blokes were telling me but I just pay for my own phone calls. That's too much hassle. In Acacia they put money on your phone for your free calls every Sunday. They should have done it like that here.'*
- 4.43 Figures provided to the Office indicate that the majority of eligible prisoners were receiving their entitlement. This was a positive inspection finding. However, it appeared that access to these free calls was mostly restricted to displaced Aboriginal prisoners, and was not necessarily available to other prisoners who were displaced: for example, prisoners from interstate. The entitlement must be available to all dislocated prisoners equitably, regardless of ethnicity or cultural background.⁷⁴

Recommendation 11

That Casuarina management ensure all displaced prisoners are provided information regarding their entitlement to free telephone calls regardless of their ethnicity or cultural background.

PHYSICAL AND MENTAL HEALTH

Physical Health

- 4.44 The inspection found an enthusiastic and professional health care team who were working well given their resource limitations. The majority of prisoner complaints relating to health services were related to issues outside of Casuarina's direct control, such as what medication can be provided for common ailments (such as headaches and toothaches) and access to specialist services in the community.

73 Harding R, *Casuarina Prison Announced Inspection: Exit Debrief*, July 2007.

74 See Recommendation 9 of this Report in this regard.

- 4.45 While access to dental services seemed to have improved since the last inspection, there was still some difficulty in accessing many services and in particular physiotherapy. In addition to this, a significant number of appointments with specialist providers had been cancelled due to transport problems. Given the long waiting times for some of these appointments this practice is unacceptable and every effort should be made to ensure it does not occur.
- 4.46 Prisoners rated all four questions on the MQPL survey relating to individual care poorly and the overall score for this dimension was only 2.66. The highest scoring question related to Casuarina being a decent prison (2.90) and unit staff taking an interest in sorting out health care needs (2.90). A comparison with health care outside of prison received a low score (2.40) and feeling cared about most of the time in the prison did too (2.58).
- 4.47 The major deficits of the health centre were the lack of an Aboriginal health worker, and an Aboriginal mental health worker. With the high number of Aboriginal prisoners, and particularly more traditional men from the lands, the need for suitably qualified health professionals with a good understanding of the relevant cultural issues is acute and should be urgently addressed. On occasion, the prison has bought in a traditional healer from a community to assist with some health (and mental health) issues, which has been good practice.

Recommendation 12

That as a matter of priority Casuarina secures the services of an Aboriginal health worker and an Aboriginal mental health worker.

- 4.48 There were a number of concerns about the process for prisoners to access a medical consultation. Prisoners wishing to make an appointment to see a doctor must fill in an orange request form, but prisoners believed that this process led to officers knowing about their confidential health issues. A system needs to be implemented that provides prisoners with the confidence that uniformed staff cannot access details from these forms⁷⁵ and that they are stored safely. Prisoners often try to hand them to the nurses when they attend the units during the daily medication rounds, but some uniformed staff do not allow this. Better feedback also needs to be provided to prisoners with regard to the waiting time for a consultation and confirmation of appointments times, as there was some evidence that prisoners were not adequately being made aware of their appointments. The new nurse manager had introduced a new electronic appointment system at the time of the inspection, and it is hoped some of these issues will be addressed.

Recommendation 13

That Casuarina monitors and assesses its medical appointment system to guarantee the confidentiality of patients and to improve the certainty and timeliness of patient appointments.

Food

- 4.49 Food has been an issue raised in each Casuarina inspection report prepared by this Office. The last inspection report in 2005 made two recommendations related to food.

⁷⁵ While it was not mandatory to place details of your ailment on the form, most prisoners wanted to provide this information to the health centre but were concerned about uniformed officers reading them.

- That the Department more generally review the viability of Casuarina Prison providing its own kitchen and laundry facilities (recommendation 19).
 - That the Department review the suitability of food actually consumed by prisoners at Casuarina Prison, in particular its quality; variability; suitability for prisoners requiring significantly fat reduced diets; and cultural appropriateness (recommendation 18).
- 4.50 This inspection found that the meat/protein portions of main meals continued to be made at Hakea and brought to Casuarina on a four-day turnaround cycle. Kitchen workers at Casuarina made all salads and vegetable side dishes and prepared all special diets. Fresh bread was made daily in the bakery. Other fresh produce and some lunch items (such as pies and pasties) were ordered in. The prisoner pre-inspection survey showed a negative prisoner attitude toward food, with only 29.9 per cent of respondents satisfied with the food quality and 39.4 per cent satisfied with food quantity. These results reflected the 2004 inspection survey results.
- 4.51 Units 1 to 6 had each had two cooks (prisoner workers) who were responsible for collecting and returning the meal trolleys, reheating the ‘regothermic’ cooked dishes in the wing ovens, and serving up meals. In reality most prisoners served themselves with the cook observing. Prisoners chose what they took and how much and supervision by prison staff was observed to be minimal. Special diet meals (approved through the medical centre) were delivered with the trolleys, but individually packaged and clearly labelled with prisoner names and the type of meal.
- 4.52 In response to the first of the previously made recommendations above, Casuarina recently developed a business case for minor works funding to upgrade the existing kitchen so that main meals can be cooked on site (rather cook/chilled and transported in from Hakea). If this were to succeed it would also impact on the intent of the second recommendation made, since all food would be made fresh on site and more flexibility would be available for non-standard diets. Casuarina management stated that they expected this proposal to succeed and be funded out of the 2007–2008 budget.
- 4.53 As with the move to an on-site laundry, an expansion of kitchen activities would also provide more work and training opportunities for prisoners. A restructure of kitchen workers would be needed to cater for the evening meal and open the possibility of two shifts of workers to cope with the increased demand for meals. The Inspectorate therefore supports the business case put by the prison and will monitor progress towards the completion of the minor works.

Mental Health

- 4.54 Casuarina has inadequate resources for mental health professionals on site and has insufficient access to external tertiary mental health care. Prisoners with acute mental health issues may be temporarily transferred to the secure unit at Graylands Hospital (the Frankland Unit) until they are considered stable enough to return to the prison. The inspection found, however, that prisoner patients are often being prematurely discharged from Frankland as there are only limited places available in the unit. These prisoners are

often still unwell when they are returned, which means that the prison health professionals must manage some acute issues for which they are not adequately resourced. Often the prison's Crisis Care Unit is running as a de facto mental health ward, a function it was not intended to fulfil. To exacerbate matters, despite the increasing prisoner population at Casuarina, access to psychiatric sessions has actually decreased, which was a serious concern.

- 4.55 The Expert Inspector also found that an artificial divide existed between the prison's Prisoner Counselling Service and other professionals providing specific mental health services. The service model should be more integrated and reflect the practice in the community where a multi-disciplinary team provides for the holistic care of the patient. This is also reflected in the minimal interaction that occurs between community mental health services and the prison health services generally (at both the entry and exit of prisoners). There would be many benefits to the continuity of care for this group of prisoners if information sharing were made more widely available as a matter of routine.
- 4.56 Prisons have long been a collection point for mentally ill persons and, as the prison system's main infirmary, Casuarina is bearing the brunt of this. The health professionals at Casuarina stated that the level of mental illness in all units was high⁷⁶ and prison officers were not trained, supported or resourced sufficiently to give these people the attention they need. It would seem that a psychiatric ward within the prison system is long overdue, and while a business case was put forward regarding the provision of mental health services in prison, it seems to have stalled.

Recommendation 14

That the Department assess the mental health needs of prisoners within the system generally, and specifically at Casuarina, with the view to putting a business case forward to secure funding to provide appropriate needs-based mental health services to prisoners in Western Australia.

Prisoner Support and Suicide Prevention

- 4.57 The quality of a prison regime is fundamentally responsible for the sense of wellbeing of prisoners, and inversely associated with depression, self-harm and suicide. The pre-inspection prisoner MQPL survey at Casuarina provided some cause for concern in this respect. Prisoners gave negative responses on 12 of 19 dimensions of prison life surveyed. The overall result was significantly worse than similar surveys at other prisons. The lowest results were in dimensions such as: Distress on Entering Custody (2.54 out of 5), Frustration (2.60), Individual Care (2.66), Respect (2.78), Fairness (2.80), Race Relations (2.86) and Assistance for Vulnerable Individuals (2.87).
- 4.58 This may in part be a function of the difficult and complex groups of prisoners that Casuarina frequently accommodates. It is a prison of last resort, for prisoners with behavioural problems, prisoners considered a higher security risk, prisoners with particular

76 This was reflected in the pre-inspection prisoner survey in the number of respondents that had ever received psychiatric treatment (17.6%), had ever been in a psychiatric hospital (16.2%), had ever self-harmed (37.9%) or had ever attempted suicide (27.7%).

medical (often mental health) needs and prisoners unable to be accommodated in their own regions. Certainly the latter group are in many cases quite distressed to be separated from families, friends and their home environment.

- 4.59 Yet, despite the increasing prisoner numbers incidents of self-harm threats and actual self-harm have generally been low since the last inspection. Similarly, the number of prisoners being actively managed on the At-Risk Management System (ARMS) has not been high.
- 4.60 The Prisoner Counselling Service (PCS) at Casuarina has become acutely under-resourced since the number of positions in the team was frozen at the end of 2006 and two positions were transferred to regional prisons. The team can only provide limited counselling in acute situations and cannot provide ongoing services to most prisoners. A team of nine PCS staff had been reduced to only 6.2, precisely at the time that prisoner numbers have been rising and are expected to continue to increase. PCS staff were stretched and stressed, and there is a real potential that they may have to limit services even further in coming months. It is a service that the Department must urgently expand.

Recommendation 15

That the Department urgently assess the risk created by the inadequate number of Prisoner Counselling Service staff at Casuarina and provide the appropriate number of Prisoner Counselling Service staff to address this risk.

Peer Support

- 4.61 There were 14 prisoners on the peer support team at the time of the inspection, representing every unit (including Unit 6 protection and the Special Protection Unit). Of the current group, all except two had completed the 'Gatekeeper' suicide prevention course. In recognition of the valuable work peer support do in the prison the team was recently given a pay rise (from \$10 per month to \$15 per month on top of their allocated gratuity level).
- 4.62 Recommendation 21 from previous inspection report in 2005 was 'that the Superintendent explore options for the expansion of the peer support team and assess the need for an additional Peer Support Officer'. In line with this, there were two Peer Support Officers (PSOs) at the time of the inspection. One of the PSOs was able to speak a number of Aboriginal languages and acted as an interpreter across the prison. He believed that Casuarina offered better cultural support than some regional prisons, and that the prison should be recognised for this.
- 4.63 With the increased prisoner population there is a need for a further expansion of the peer support scheme, and additional PSO staff resources. There has been an improvement in record keeping and more referrals generally, particularly for the out-of-country population and issues around funerals and grieving. The Manager, Offender Services position at Casuarina has provided local support and supervision for the PSOs, an improvement and positive in keeping the PSOs connected to the prison as a whole and clear about their role.

DRUG AND ALCOHOL DEPENDENCY MANAGEMENT⁷⁷**Substance Prevalence, Testing Regimes and Drug Detection**

- 4.64 The last inspection of Casuarina found a high percentage of positive urines in relation to both random and targeted testing for illicit substances, and that the diversion and trafficking of drug within the prison was a problem. The apparent availability of drugs was also an important aspect of staff concern about safety. In 2007 there was no evidence that there had been a sustained improvement in the rate of illicit drug use by prisoners at Casuarina. The pre-inspection staff survey showed a very low level of satisfaction (38.5%) with the policies and practices to control drugs in the prison.
- 4.65 In 2005 the process of separate random testing and targeted testing of prisoners as determined by each prison was altered. The two categories were combined and labelled 'routine drug testing and the results reported monthly in the prison's Prisons Monthly Performance report (PPMS). The figures provided to the Office showed that for the period July 2006–April 2007 Casuarina ranked second amongst all prisons for positive routine testing results. Of some concern, however, was the omission of a significant number of results in the PPMS reports (on average 20%), due to the timing of some testing and the decision by the Department to then not include these in the following month's figures. This means the figures could be even higher.
- 4.66 In addition to this, the Department centrally generates a list of prisoners for 'drug prevalence testing' (DPT) on a quarterly basis. DPT involves the random selection of prisoners at each prison. As a relatively new process, at the time of the inspection Casuarina's DPT results were only available for the previous five quarters. These showed that positive returns ranged from a low of 5.8 per cent (in September 2006) to a high of 20.6 per cent (in May 2007, the quarter immediately preceding the inspection). This was an extremely high positive return and requires investigation by the prison as to what drugs are being used and how they are being trafficked.
- 4.67 The misuse of drugs commonly used for palliative care and the treatment of severe pain is a growing problem in the community, and there was evidence that this was being reflected in Casuarina. In the period between December 2006 and 11 July 2007 there were 30 separate positive tests for opiates, the category into which these drugs fall. Information from prisoners and staff indicate that it is these drugs being misused that are the main problem (mainly by a small number of users). The main concerns related to this increase in opiate use are an increased risk of overdose and the increased risk of bullying to secure the drugs. Management had taken a range of actions to try to address the issue, but had been unsuccessful. Persistence must be maintained to ensure the problem does not spread and that overdoses or bullying do not eventuate.

Opiate Pharmacotherapy

- 4.68 At the time of the inspection, 44 prisoners were on the methadone program and three

⁷⁷ The Inspector thanks Ms Dace Tomsons, Expert Advisor from the Drug and Alcohol Office, for her report on alcohol and drug issues at Casuarina during this inspection.

on Suboxone. There had been a number of improvements to the program since the last inspection including:

- more appropriate dispensing times;
- prisoners required to show identification before dispensing;
- better organisation in the processes for dispensing;
- prisoners made to wait five minutes in a secure area after receiving doses to ensure they do not secrete or regurgitate the medication;
- better security for disposal of empty medication bottles; and
- improved assessment of suitability for medication.

4.69 Despite this, there was a number of problems, mostly relating to the security and supervision of the dispensing process. While prisoners were made to wait in a secure area after receiving their medication, they were able to freely mix and therefore potentially transfer the medication. Prisoners' mouths were not being checked to ensure they have swallowed the medication. A final issue related to the misconception by staff that Suboxone (used to treat dependency) could not be abused as a drug in itself. This is not accurate and should be used with caution by those prisoners already using the medication to treat/maintain their drug withdrawal.

Management of Prisoners with Hepatitis C

4.70 It is estimated that about 30–40 per cent of prisoners at Casuarina are Hepatitis C positive. An advance in the management of these prisoners was the introduction of interferon treatment, which is the only real treatment option for the condition. A thorough and lengthy assessment process is required for its use, including an extensive psychiatric assessment. Casuarina had completed the treatment for 10 prisoners at the time of the inspection, had six in treatment and a further six undergoing assessment. There had been some delays for prisoners commencing treatment due to the difficulty in getting psychiatric evaluations and the cancellation of transport to external health facilities.

4.71 The Department's health services do not have the capacity to manage a large number of patients on interferon, so to control numbers prisoners are not actively told about its availability. Referral to the program was dependant on prisoner communication. Failure to provide equitable access to treatment may have serious health implications including chronic ill health, liver cancer and death and could expose the Department to litigation.

Conclusion

4.72 The main responses to illicit drug use within Casuarina have been punitive. The inadequate resources available for counselling and programs across the system mean that there is little scope to use rehabilitative measures (even in concert with punishment) as a more holistic approach to the management of drug and alcohol problems. The MASU program and drug awareness workshops have been withdrawn from delivery at all prisons in Western Australia. The delivery of the Moving On From Dependency program has been severely restricted and will be (at best) delivered at Casuarina only twice in 2007.

- 4.73 The prison should examine the possibility of constructing links with outside agencies that may be able to provide some of these services in light of the systems' inability to do so.⁷⁸ Holyoake attends the prison weekly and refers prisoners to support programs in the community following their release. However, this does not address the needs of prisoners who need to address their dependency issues before they are considered for release. The Department must urgently act to address this issue, especially given the increasing prisoner population.⁷⁹

RECREATION, LIBRARY AND LEGAL RESOURCES

Recreation

- 4.74 The pre-inspection prisoner survey indicated that only 46.9 per cent of respondents were satisfied with their access to recreation, 64.9 per cent were satisfied with access to the oval, 61.4 per cent were satisfied with access to the gym and 62.3 per cent were satisfied with access to the library. This, combined with information gathered during the course of the inspection indicated that many prisoners were not happy with their access to recreation at Casuarina. The quality of recreation, however, was recognised as acceptable.
- 4.75 There was some evidence that better integration of recreation officers with other staff needed to occur, particularly in regard to information sharing about prisoners. There were documented occasions when injured or unwell prisoners had been permitted by recreation staff to participate in activities, because they had not been informed of relevant health issues. Information regarding prisoner conflict within the units would also assist staff in organising recreational activities and benefit the security and safety of recreation staff and other prisoners.
- 4.76 At the time of the inspection, recreation was being used to occupy prisoners who were unable to be secure prisoner employment, which was not congruent with the intent of 'recreation' in the broad sense. The lack of jobs and lack of sufficient education or program places were putting pressure on recreation to fill the gaps. Recreation officers would have preferred to take more of a 'wellness centre' approach and link in with other aspects of the prison (such as the health centre and education centre) to promote general health, fitness and wellness. However, the extra sessions for unemployed (mostly Aboriginal) prisoners were available morning and evening and prevented such a strategy.
- 4.77 The prison had a comprehensive Recreation Strategic Plan for 2006–2007 and updated the plan annually. The plan included proposed budget, program delivery, detail of activities, recreation outcomes linked to the four cornerstones and addressed the needs of the prisoner population mix at Casuarina (with a section specifically addressing the needs of Regional Indigenous Prisoners). Also included in the plan was information on educational programs offered or linked to recreation, community involvement and special events information, and future directions proposed or planned for recreation at Casuarina.

78 Casuarina management took some immediate action in this regard by organising for prisoners to have access to the free 24-hour drug information service provided by telephone by the Drug and Alcohol Office. The service provides confidential drug and alcohol counselling.

79 Refer to Recommendation 16 of this Report which addresses this issue.

Library and Legal Resources

- 4.78 The library at Casuarina is a good facility operated by a dedicated library officer. Prior to mid-July 2007, the library was only open four days per week, with set session times for each accommodation unit. This was grossly inadequate for the large number of prisoners accommodated. In July the prison extended this to a daily service and also increased duration of each allocated time slot. Prison policy allows prisoners to access the library outside of their allocated unit time, subject to approval based on the number of prisoners in the library at the time.⁸⁰
- 4.79 While on paper the new policy showed good adjustment to practice to cater for the growing prisoner population, prisoners in a number of units were not able to access the library as they should. One group had been allocated a session on Tuesday mornings when the prison is shut down for staff training, meaning the time to access the library is significantly shortened. The late afternoon session runs from 3.30pm until 5.30pm, but the library is often closed early due to staff taking time in lieu, and this was the case on at least one day during the inspection. If sessions have been allocated, then the service must be made available.
- 4.80 At the time of this inspection, nine prisoners were classed as remand, and a further 12 prisoners were appeal class. These prisoners need to be able to access adequate legal resources to assist them in preparing their cases. Casuarina had a small selection of legal books and two CD-ROM discs dedicated to the provision of a legal library reference centre. The library receives quarterly updates of these discs, but in the internet age CD-ROM legal resources are becoming increasingly obsolete. The library officer reports that the number of legal resource CD-ROMs available for purchase had decreased steadily in the past few years to the point where the two discs they now receive are the only ones on offer.
- 4.81 Two stand-alone computers are also available for prisoner use. One has limited research capacity to access data on CD-ROM, and the other is purely used for word processing functions. There is no legal intranet or linked electronic system whereby prisoners can access current information or data.
- 4.82 If a prisoner currently requires reference or research materials or case notes not available in prison hard copy material, he fills out an application form which the librarian then faxes to the Department's Libraries and Information section, which in turn forwards the requested material via courier to the prison. The guideline is for the prisoner to have the material within a seven-day turn around. The efficiency of this system of accessing information for self-represented appellants or remandees is limited as it relies on the prisoner's knowledge in requesting the correct or helpful information. It has been found that a prisoner utilising this system will submit multiple requests in an endeavour to source information helpful to his case. Not only does each request operate on an approximate seven-day turn around, the associated costs are not providing value for money or effective service.
- 4.83 If the Department is serious about providing effective legal resources to prisoners, consideration should be given to establishing a legal intranet with LISWA and/or other appropriate bodies qualified to provide legal information for prisoners.

80 Casuarina Prison, Official Notice No.35/2007, 3 July 2007. A maximum of 10 prisoners are permitted in the library at any time.

GRIEVANCES AND COMPLAINTS

- 4.84 Staff from the Office of Health Review (OHR) and the Ombudsman attended Casuarina and conducted reviews of the processes and systems for the external resolution of complaints and lodging of grievances available to prisoners. The standard departmental mechanism in place for grievances and complaints has been a constant issue at most inspections and this inspection was no exception. Prisoners at all prisons appear to have little confidence in the complaints and grievances process and consequently it is under-utilised. The level of complaints or grievances cannot, therefore, act as a reliable indicator of what is happening in any prison.
- 4.85 Some of the problems surrounding the process concern the heavy reliance on written forms to lodge formal complaints and send confidential mail to the investigating agencies. Many prisoners do not have strong written communication skills, and those who are literate mostly believe that staff open the confidential mail. While access to most of the relevant agencies is available via free and unmonitored telephone calls, many prisoners also do not have strong verbal communication skills and so this alternative is underused.
- 4.86 In addition to believing that staff opened the confidential (grievance) mail, many prisoners also claimed that they had experienced negative repercussions from certain staff who had observed them placing mail in the special grievance letterboxes. While these allegations have not (and to a large extent cannot) been substantiated, the fact that prisoners have this perception is enough to render the system useless to many of them. The fact that letterboxes are generally in the direct sight of the unit control rooms and that the senior officer from each unit empties the boxes contributes substantially to these perceptions. During the course of the inspection, Casuarina management agreed to place additional letterboxes in some communal locations throughout the prison to help address the issue of being observed by unit staff mailing grievances.
- 4.87 The Department has plans to establish its own complaints administration centre to receive complaints by telephone from prisoners. It will be of interest to observe how this is received by prisoners and to what extent it can contribute to addressing their need for a grievance mechanism and perhaps decrease the reliance on external agencies (such as the Ombudsman and OHR) for the resolution of complaints.

SPIRITUAL NEEDS

- 4.88 Casuarina is serviced by three chaplains on a part-time basis to the equivalent of 1.5 full-time chaplains. In addition, the prison is visited by advisors or representatives from a number of other faiths including Anglican chaplains, Roman Catholic priests, an Islamic cleric, a Buddhist nun, a Jehovah's Witness and an interdenominational prison fellowship group.
- 4.89 The coordinating chaplain was only available at the prison on a part-time basis, as he also performs the same role at Hakea Remand and Receiving Centre. With such large populations at both prisons placing increasing demands on the chaplaincy service, each would be better served by a full-time coordinating chaplain. In particular, many prisoners will confide in

chaplains because they are seen to be independent of security and management regimes and have no hidden agenda. They are not required to write a report about a prisoner or make notations on his file which may affect his security rating or his chances of parole. With the inadequate resourcing of prisoner treatment programs⁸¹ and the Prisoner Counselling Service, the chaplains have been making up the gap for many prisoners.

- 4.90 A multi-faith facility was available and multi-faith services were offered to all prisoners. A significant achievement of the chaplains was the combining of mainstream and protection prisoners at multi-faith services. At the time of the inspection no difficulty had been experienced during the services and this was an example of good practice.
- 4.91 The chaplains identified the need to attract Aboriginal people to visit Aboriginal prisoners to offer fellowship and to address spiritual and emotional needs. There was a significant reliance within the prison on Aboriginal Elders who were prisoners and this sometimes could sometimes be difficult for them. There are also customs within Aboriginal culture that would prevent them from performing this role with men outside their own family group, leaving some prisoners without this support.
- 4.92 Many Aboriginal prisoners (particularly those from out of country) were also distressed about their inability to meet their cultural obligations with regard to funeral attendances. Many stories were shared about the retribution some faced when they returned to their country for not being at certain funeral services. The Department has a set policy regarding approval for attendance and crowding in regional prisons does make it difficult to accommodate temporary transfers for funerals. Nonetheless, the current system is not working and must be addressed.

81 See [5.11]–[5.25].

Chapter 5

REHABILITATION, RE-ENTRY AND REPARATION

ASSESSMENT AND CLASSIFICATION

- 5.1 Each prisoner is unique, posing different risks and having different needs. It is therefore important that a thorough classification and assessment system is in place to determine the nature and extent of risk posed by each prisoner and what the rehabilitative needs are that will assist them to address their offending behaviour and therefore lower those risks to the community and themselves.
- 5.2 The Department has an assessment and classification system in place that is applied to all prisoners in the Western Australian corrective services system. At the time of the Casuarina inspection this system was under review in a joint project between the Department and this Office.
- 5.3 All male prisoners sentenced and imprisoned in the metropolitan area undergo their initial assessment and classification at Hakea Prison. They are then transferred to the prison identified during the process as most appropriate to their classification and needs. Prisoners tried and imprisoned in regional areas should undergo a similar process in their regional prison, but this does not always occur.
- 5.4 During the six months preceding the inspection, a large number of prisoners transferred to Casuarina had been through the security classification process but had not been fully assessed and no individual management plan (IMP) had been created. Members of the assessment and classification team from Hakea had been attending Casuarina to assist in this task. This arrangement appeared to be working well, resulting in most prisoners' classification and review reports being up to date. However, there were two main problems identified with this arrangement:
- some prisoners have become confused about their IMPs and what they have been told at their case conferences; and
 - staff at Casuarina are not always made aware of the case conference schedule devised by Hakea staff until the day it is due to be held, therefore they are sometimes not prepared and the prisoner may not have been informed his conference is occurring.
- 5.5 The inspection team received a number of complaints from prisoners about inconsistencies in the information provided to them, depending upon which staff were conducting the case conference. This particularly related to being advised of their security classification scoring, with Casuarina staff sharing this information and Hakea staff refusing to divulge it. There needs to be consistency throughout the system so that all prisoners are equally able to address their offending behaviour and work towards reducing their score and hence their security rating.

CASE MANAGEMENT

- 5.6 Long-term prisoners at Casuarina told inspection team members that they remembered a time when uniformed officers were assigned to case manage individual prisoners. This system had been abandoned at Casuarina in the wake of the Christmas Day riot in 1998. A new case management system was developed as part of a reform program in 1999–2000,

and partially implemented elsewhere, but never at Casuarina. Essential reports and sentence management became the responsibility of Casuarina's specialist assessment staff.

- 5.7 The importance of case management was strongly underlined in the Mahoney Inquiry and was the subject of four of its recommendations.⁸² The Department committed to establishing Case Management Coordinator positions in most prisons to implement a new case management system. A project to review case management processes and create these positions finally bore fruit in early 2007; the position of Assistant Superintendent Case Management at Casuarina was established and filled on an acting basis in April 2007.
- 5.8 The new system involves primary contact reports for new prisoners being the responsibility of unit managers, who require unit staff to complete the reports within a month of a prisoner's arrival. Unit staff interview each prisoner briefly, focusing both on the progress of their IMP,⁸³ and their general wellbeing in the prison. It was initially envisaged that update reports would be completed every six months, but head office had recently required that these be completed every three months.
- 5.9 This system appeared to have been effectively implemented at Casuarina, with good information provided to staff to explain the processes involved and what was required of them. At the time of the inspection good progress was being made towards completion of primary contact reports on all prisoners. However, given shift and leave arrangements, it is difficult to maintain a link through the case management system between specific individual officers and prisoners.
- 5.10 The case management system was also used to allocate the compiling of reports to individual staff relating to applications for transfer, transfer for visits or to attend funerals or sick relatives. This included administration of a new discharge checklist for prisoners two months before their due date of release. This was an excellent innovation, which will be discussed further below in the context of prisoner re-entry services.

OFFENDER TREATMENT PROGRAMS

- 5.11 Offender Services representatives from head office were open about the parlous state of offender services at Casuarina at the pre-inspection briefing provided by the Department.⁸⁴ The model of appointing a Manager Offender Services (MOS) was considered effective at Casuarina, and the inspection confirmed this; however, the 'MOS model' (which had been rolled out across the state) had not been as effective elsewhere. Further devolution of responsibility for programs to the prison, something that was anticipated at the time of the previous inspection, was not currently regarded as the appropriate direction to take in managing offender services.⁸⁵

82 His Honour Dennis Mahoney AO QC, *Inquiry into the Management of Offenders in Custody and in the Community* (November 2005).

83 Which should have been developed and signed off by the prisoner whilst a prisoner at Hakea Prison.

84 Pre-inspection briefing to the Office of the Inspector of Custodial Services by the Department of Corrective Services management team on 25 June 2007. Departmental participants at the briefing included the Acting Director of Adult Custodial Services and Manager of Offender Development.

85 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No.28, June 2005, 43

- 5.12 The inspection team was told that resource limitations had forced the cancellation of a large range of low and medium intensity offender treatment programs in favour of maintaining intensive programs for higher risk offenders. At Casuarina, this included cancelling four Managing Anger and Substance Abuse programs (MASU) and three Drug Awareness Workshops (DAW) in 2007. Staffing and clinical issues had caused delays in other programs such as the intensive violent offender and sex offender programs.
- 5.13 What we found at Casuarina was almost a complete disintegration of offender treatment programs. As illustrated in the following table, monthly contact statistics taken for 2005, 2006 and the first six months of 2007 show a sharply downward trend in program delivery over this period.⁸⁶

Year	Average
2005	44.8
2006	36.8
2007	16.0

Table: Average of monthly counts of persons engaged in programs at Casuarina Prison.

Not a single program was in operation at the time of the inspection in the third quarter of 2007. As well as complete removal of MASU and DAW, the only three programs for special needs groups scheduled in 2007 were cancelled: two for intellectually disabled prisoners (Legal and Social Awareness and a Sex Offender program) and a Think First program for protection status prisoners. The Building Better Relationships family violence program had also been dispensed with. The new Indigenous Family Violence Program, successfully piloted in twice in 2006, had still not appeared on the calendar for 2007.

- 5.14 Given the Department's stated intention to focus its reduced resources on intensive programs for high risk offenders, the cancellation of two intensive drug programs – Moving on From Dependency (MOFD) in 2007 and one Violent Offender Intensive Program (VOINT) was concerning. One MOFD program was completed in the first quarter of 2007 and another was scheduled to occur in the final quarter. The Sex Offender Intensive Program (SOINT) scheduled to start in April 2007 had still not commenced at the time of the inspection, a very serious delay. It was hoped to commence in August 2007.
- 5.15 A VOINT program, which had commenced in March 2007, had been suspended in April due to issues that arose in the operation of this group and was not due to recommence until August 2007, provided that a new co-facilitator could be identified. This particular program has some important requirements, which had become compromised due to the delays. The program runs from accommodation Unit 4 and all participants have to be resident there. The experience of undertaking this program can be distressing, so it is considered important that these prisoners be accommodated in single cells. Prisoners are also meant to practice new social skills acquired in the program with other prisoners and staff in the unit. It is therefore important that all staff in the unit understand and support the program.

⁸⁶ The Department of Corrective Services' *Prisons Monthly Performance Report (PPMS)* for August 2007 shows the year to date (July 2007 to August 2007) average prisoners per month that participated in offence related programs at Casuarina as 15.5.

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- 5.16 Two VOINT programs have traditionally been run in parallel at Unit 4. In a sense the unit was a therapeutic community in which this offender program was run. However, only single programs have recently been scheduled and, as we noted, one of the two scheduled in 2007 was cancelled and the other was interrupted and yet to recommence. Unit 4 can no longer be kept immune from double-bunking, and the unit as whole has lost the character of a therapeutic community. Programs staff also voiced concerns about the ability to maintain the special wing set aside in the Casuarina health services centre where the SOINT (sex offender) program is run, given increasing overcrowding in the prison, and the long gap between programs.
- 5.17 Since the last inspection, the 10-week Think First cognitive skills program had replaced the 17-week Reasoning and Rehabilitation cognitive skills program. Unlike other offender programs, this is solely delivered by prison officers. This is possible due to the comprehensiveness of the manuals and the quality of training and support provided by coordinators of this program, who are currently based at Casuarina. Think First appears to be an excellent program of general benefit to lower-risk offenders, or as a first step for some higher-risk offenders, before moving on to more intensive programs.
- 5.18 Apart from the cancellation of the special program for protection prisoners, Think First was operating well at Casuarina. However, only three courses per year were being delivered, the same number as the old 17-week program. And while the previous program operated with two facilitators, a single facilitator typically runs the new one. Simple arithmetic suggests that the human resources previously applied could enable some 10 Think First programs per annum.
- 5.19 Inspectors were told that constraints had been placed on expansion of Think First by head office management. For example, while a consultant had produced an adaptation of Think First for Indigenous prisoners, this had not been implemented. The coordinators, based at Casuarina, lacked ready access to a vehicle to deliver support and training to facilitators at other prisons.
- 5.20 The Superintendent was extremely frustrated by the lack of development of the Think First program, and at the time of the inspection had made a bid to the Department's Central Executive Team for coordination of the program to be transferred to Adult Custodial. At the time of writing the question had been deferred. Offender Services management were concerned about the clinical implications of such a move, but so was the failure to facilitate further development of this program.
- 5.21 Inspection officers were told that there used to be 32 programs officers in the metropolitan area, but that currently there were only 10. Programs staff stated they felt frustrated at being under-utilised and neglected. There were no regular meetings with their managers, nor did managers or clinical supervisors visit them at the prison. With programs not currently in operation, even their normal contact with clinical supervisors from head office was not occurring.
- 5.22 In 2006, the Casuarina Manager Offender Services attempted to support programs staff by utilising a PCS position to create a local programs coordinator position. This operated for

eight months and was appreciated both by programs staff and prison administration, but was considered unnecessary by Offender Services management, who believed it cut across established clinical supervision arrangements. The position (and the person acting in it) was lost when contracts were frozen at the start of 2007.

- 5.23 Programs staff, and their PCS colleagues, emphasised that these problems with programs had serious implications for prisoners. In particular, prisoners were highly anxious about obtaining parole when they could not access programs they had been assessed as requiring, and indeed an examination of a number of prisoner files showed a failure to obtain parole for this reason. Prisoners were also unable to get their security rating reduced and move on to lower security prisons, including to regional prisons closer to their families, because they were unable to undertake programs.
- 5.24 The Prisoner's Review Board commenced operations in early 2007, and seems to have placed the question of the risk posed by a parole applicant to the community near the top of its considerations in its decision-making. While offender services managers have explained the withdrawal of programs to the Board in the hope that offenders will not be penalised for failure to undertake programs, this appeal to fairness is meaningless against an objective consideration of the risk posed to the community by an offender.
- 5.25 Of course program completion, which is thought to reduce recidivism risk to some degree, is only one of a number of factors to be considered by the Board. Nevertheless, it may well be decisive in many cases, as more and more prisoners face the Board without having completed programs. This is very likely to be yet another factor fuelling the rise in prisoner numbers that the system is experiencing.

Recommendation 16

That the Department:

- *Take immediate steps to restore the delivery of intensive programs at Casuarina and elsewhere.*
- *Take immediate steps to ensure positive supervision and support for programs staff at Casuarina.*
- *Take immediate steps to ensure that barriers to expansion of Think First program are removed and that the indigenous version is utilised.*
- *Review its objectives in relation to offending behaviour programs, develop an operational strategy to meet these objectives, and bid for resources required to implement this strategy for the growing prisoner population across the state (see also [4.64]–[4.73]).*

RE-ENTRY

- 5.26 As a maximum-security prison, Casuarina is not considered to be a releasing prison. As individual management plans progress, most prisoners are meant to progress from higher to lower security ratings and be transferred to lower security prisons, from which they should be released. But at the time of the inspection, with approximately 44 per cent of prisoners at Casuarina with a medium-security rating and 27 per cent with a minimum-security rating, it is clear there are barriers to prisoners obtaining places in lower security prisons, even after attaining a lower security rating.

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- 5.27 While there have always been a number of prisoners unable to be reclassified to a lower security rating (and have therefore been released from Casuarina), it is increasingly the case that medium- and minimum-security prisoners are also being released from Casuarina. In 2006–2007, 229 prisoners were released directly from Casuarina Prison. Another, 98 prisoners were released from a regional prison within 30 days of being transferred from Casuarina.
- 5.28 At Casuarina, release planning is essentially the responsibility of the individual prisoner. Efforts by prisoners to obtain parole are often stymied by poor planning in relation to their living arrangements and other support services. There was also anecdotal evidence of prisoners having reached their release date without prior arrangements for transport home or post-release accommodation.
- 5.29 Prisons should have a major role in preparing prisoners for release, through rehabilitative programs and assessing their attitude and behaviour. Information about their progress in these areas is essential for the consideration of releasing authorities. However, Casuarina (like other prisons) also makes a broad recommendation to the Prisoner's Review Board whether parole should be granted, through the mechanism of a case conference. While the case conference makes its recommendation with the assistance of a report from an assessments officer, it generally does not have input from a Community Corrections Officer (CCO), whose role it is to oversee many of the issues pertinent to parole. The case conferences observed during the inspection also did not have input from treating doctors and psychiatrists, who could provide relevant information impacting on a prisoner's ability to meet parole conditions.
- 5.30 It is questionable whether custodial authorities alone should be evaluating the quality of release plans and the prisoner's capacity to complete a community based order and making such recommendations to the Prisoner's Review Board. It makes little sense for two parts of the same Department – that is the prison on one hand and Community Corrections on the other – to be making separate, sometimes conflicting recommendations about the same prisoner to the Board. More coordination and cooperation is required to ensure the best outcomes for the prisoner and the community.
- 5.31 The prison relied primarily on the reports from assessments staff in making its recommendations. While assessments staff report on the prisoner's release, they have no real responsibility for assisting prisoners to develop their release plans or find accommodation. Some referrals are made, however, to re-entry service providers, Prison-to-Parole substance use counsellors or the Transition Accommodation Service, the latter through the prison-based CCO.⁸⁷
- 5.32 More generally, assistance is offered by Outcare, the contracted re-entry service provider, three months before the due date of release by way of a letter. Outcare has funding to provide a range of services including general support services, accommodation services,

87 The prison-based CCO is mainly engaged in case management of certain high-risk offenders, particular lifers and those on governor's pleasure. Such prisoners need to be assessed for pre-release programs some years prior to their first possible release date.

substance use counselling, job market services and a living skills course offered prior to release. However, prisoners often overlook the opportunity to see Outcare staff following receipt of their letter. Many eventually come into contact with the service, through referrals from various staff in the prison, from CCOs and word-of-mouth from other prisoners. A small number of prisoners also engage with Outreach, a Uniting Church agency that works with some of the higher-risk and hard-to-place prisoners.

- 5.33 Outcare services are generally aimed at prisoners being released in the metropolitan area, so regional prisoners often do not seek help from Outcare. While assessments staff, CCOs, Outcare staff and others will refer regional prisoners to regionally-based support services (where they exist), anecdotal evidence indicated this is not being done systematically or sufficiently in advance of a prisoner's likely exit date.
- 5.34 Recognising that it has become a releasing prison has led Casuarina to recently introduce a discharge checklist as part of the case management system. The system aims to ensure that everyone due for release is approached about their release arrangements, including which prison they wish to be released from, what transport arrangements they are making or need help with, whether they have accommodation and civilian clothes, whether there are medical or mental health issues that need referral to community agencies and whether they have had, or wish to have, contact with Outcare or Centrelink prior to release.
- 5.35 The discharge checklist seen during the inspection was in its early trial stage, and management acknowledged it might require revision. For example, referrals to substance use agencies are not included, and the implementation of the checklist at 6–8 weeks prior to release is possibly not timely enough for those needing some referrals. Nevertheless, it is a good initiative, which, with some fine-tuning and experience, should prove a real help to prisoners approaching their release.
- 5.36 Centrelink is necessarily one of the last services to engage with prisoners being released, generally just a week or two before expected release date. Most prisoners being released are eligible for an advance on benefits to which they are entitled, with the issuing of an EBT card making it possible to access these funds at an ATM at any time. However, this card cannot be issued until release is confirmed. In the case of parolees, this means a decision slip has to be received from the Prisoner's Review Board.
- 5.37 Unfortunately, in the early months of its operation, Board practice has been to delay release of its decisions for up to some days following a Board meeting, often too late to allow the prisoner to see Centrelink prior to release. Such prisoners have to approach their local Centrelink Office after release, which of course can only be done on weekdays. These prisoners are unnecessarily being released without access to ready funds over the weekend, causing hardship and increasing their risk of reoffending.

EDUCATION, EMPLOYMENT AND SKILLING

5.38 The increase in prisoner population at Casuarina has had serious implications for the implementation of a structured day and the ability to keep prisoners occupied. While uniformed officer staffing numbers have been increased to account for the current and future population increase, the same has not occurred for civilian staff in any service area. Neither has there been any increase in resources or plans developed attempt to provide the required daily activity (work, education and training) to prisoners. The inspection found that while staff in these areas were dedicated and providing a good standard of activities for prisoners, there was an inability to provide the sheer number of places required to accommodate the ever-growing number of prisoners.

Education and Training

5.39 The education services provided at Casuarina are of a high standard delivered by a small committed team. Education services are primarily delivered in one of three settings – classrooms in the education centre, in the industrial training area and in the units by prisoners enrolled in external studies.

5.40 Classroom-based education focuses on the delivery of literacy and numeracy programs in the three classrooms in the education centre. Given the high percentage (almost 50%) of Aboriginal prisoners now accommodated at Casuarina many of whom have not completed basic schooling, the literacy and numeracy classroom focus is appropriate. With this increased number, however, there is sufficient justification (in terms of number of students) to broaden and develop these basic courses and try to encourage these prisoners to take up the next stage of study beyond the basic programs. Education staff recognised this opportunity and are keen to pursue this: however, since the education centre can only accommodate 60 students at any time, staff must devise ways to overcome the problem of inadequate infrastructure.

5.41 One way in which education has tried to overcome the inadequate facilities was through the increasing use of the industrial training area, particularly to engage prisoners who had shown some resistance to classroom-based learning. The Hands on Learning Program (HOLP) uses the context of a practical carpentry workshop to introduce literacy and numeracy skills to prisoners, and has acted as a launching pad to then move many prisoners into the classroom. HOLP incorporates the skills of an Indigenous education worker, a literacy-numeracy specialist and a carpentry teacher to engage prisoners. This is a good example of the integration of staff across the education/training/skilling sectors within the prison. Plans were underway at the time of the inspection to expand the use of the industries area for education, with the construction of two new classrooms. This will hopefully provide opportunities for more prisoners to be provided with constructive activity.

5.42 The increase in prisoner population means that external courses have become an important mechanism for access to education for prisoners. This is limited, however, to higher-level courses for prisoners who already have significant literacy and numeracy skills. While students primarily study in their own cells, they are able to access the education centre

throughout the day for support. Courses from the School of Isolated and Distant Education have been used for many students but at the time of the inspection were difficult to access due to high demand from the general community due to teacher shortages. A local high school had therefore been enlisted to provide Year 11 programs for prisoners, and this initiative was working well. External TAFE programs were not being used extensively, and could be better utilised. More resources need to be provided for support to external students, due partly to the increased number of such students. The nature of courses is another reason, with more courses requiring access to technology that prisoners do not have.

- 5.43 There was a strong and varied Vocational Education Training (VET) program at Casuarina available through industries. There had been recent significant improvement to the number of prisoners accessing basic core accredited training. Improvement could be made, however, to the access provided to prisoners who want to undertake a program but cannot access employment in industries due to the high prisoner population. The main concern for Vocational Support Officers (VSOs) in this regard is the retention of enough key workers to complete the required product output while new prisoners undertake training. Communication and negotiation between education staff and VSOs should be able to resolve this to meet the needs of all concerned. Another issue was the difficulty being experienced in recruiting VSOs,⁸⁸ which was necessarily impacting on service delivery.
- 5.44 At the time of the inspection there had been no formal memorandum of understandings in place with any of the external education service providers. Such a memorandum should document the agreement in place and the obligations of each party in the delivery of the service. To date there had been no disagreements or conflicts over the terms of service delivery, most likely due to the continuity and skills of the individual staff involved. This may not remain the case, however, and it would be prudent to ensure the continuity of the programs through such agreements.

Employment

- 5.45 With a design capacity to accommodate 399 prisoners in total, Casuarina's industrial precinct was designed and built to provide employment for approximately 360 prisoners.⁸⁹ At the end of March 2007 with a population of around 550 prisoners, the prison industries workshops were only employing 240 prisoners.⁹⁰ Incorporating prisoners employed in other locations throughout the prison, only about 340 prisoners were employed. However this number also included a 'reserve' workforce that was able to be called upon to cover prisoners absent from work due to sickness, court, program attendance or other reasons. Throughout the inspection, large numbers of prisoners were observed to be locked in the accommodation units with no constructive activity.
- 5.46 The ability to employ prisoners was also limited by the number of VSOs who must supervise prisoners for both safety and security reasons. The prison had recently secured an approval to increase the number of VSOs to 33, however at the time of the inspection they

88 This is discussed further in the following section 'Employment'.

89 Allowing for some prisoners undertaking education and employment outside of the industries area.

90 Information provided by Casuarina Prison management.

were nine VSOs short due to vacancies and workers' compensation leave. Casuarina moved away from the centralised recruitment process and advertised locally for new VSOs and was successful in attracting a number of suitably qualified people. But the Office was informed at the time of writing that these applicants had been rejected because they had not passed the psychological tests implemented by the Department.

- 5.47 The inability to fill all VSO positions had resulted in a number of workshops being shut down temporarily. In the case of the cabinet shop, the shut down period had been extensive due to the lack of a qualified VSO. Further, there were not enough VSO staff to cover shifts for those absent due to illness or annual leave, so work areas were forced to close down for the duration of absences. This severely exacerbated an already critical situation with regard to prisoner activity. The retention of the VSOs already working at the prison is therefore also very important. Issues such as support for professional development, active management support of industries, ownership of their workshops and contribution to the business plans for their workshop should be addressed to ensure VSOs feel valued at Casuarina.
- 5.48 Casuarina management had recently implemented a number of strategies aimed at addressing the dramatically inadequate availability of work.
- The new position of Prisoner Employment Officer had been created to interview and assess all prisoners for employment placements. While this was good practice and meant all prisoners had been linked to potential employment opportunities, the fact remained there was often nowhere to immediately place them.
 - New activity areas were being constructed in Unit 1 to provide constructive activities for the large number of Aboriginal prisoners from regional Western Australia (who were mainly resident in that unit). At the time of the inspection this was yet to become functional.
 - Management had identified between 75 and 100 new employment options, but most were reliant on the completion of minor works. The proposals for funding of these works had been submitted to the Department and the Superintendent was confident many would be successful. The proposals included new kitchen facilities and an expanded laundry service.
- 5.49 The problems being experienced at Casuarina are, to a similar or lesser extent, being experienced at other prisons throughout Western Australia. Most facilities are bearing some of the burden of the increased prisoner population in the state, are limited in their infrastructure available to provide constructive activity and are facing difficulties attracting VSOs in a strong employment market. It is important that prisons examine the range of work and training opportunities being offered in prisons to ensure that they address contemporary employment needs so prisoners have the best chance possible of securing employment upon release. Consequently, the Office coordinated an industries workshop just prior to the on-site inspection to examine these challenges.
- 5.50 The workshop provided an opportunity for the Department, Casuarina and the Office to review the relevance of industries at the prison, and to some extent the system generally. The importance of refocusing on accredited training was recognised, as was the need to link

and promote prisoners who complete any component of such training to employers in the community. To assist in achieving this, a commitment was also made to supporting VSOs financially to gain Certificate IV qualifications as trained assessors. This may also help attract more people to the role of VSO.

- 5.51 In terms of the maintenance of proper security measures in the industries area, the inspection found a number of deficiencies. Casuarina Prison Local Order 26 requires all prisoners be subject to a rub down search when leaving industries and this was not always occurring. The Order also states that the roving disciplinary officers rostered to the industries precinct should conduct a minimum of 15 random pat-searches of prisoners, four random searches of equipment leaving the area and four strip-searches of prisoners each day. Records indicate this was not always happening. Audit controls should be put into place at the prison to ensure these are maintained.
- 5.52 Staff and management at Casuarina have good intentions for the development of additional employment opportunities at the prison in light of the burgeoning prisoner population. While it is possible for a number of additional constructive activities to be provided, it seems impossible to provide the adequate level of activity required with current infrastructure and resourcing provided.

Recommendation 17

That the Department and Casuarina provide a structured day to all prisoners, including constructive activity, contemporary and relevant employment and training opportunities and the prisoner offending behaviour programs it has assessed prisoners as requiring for rehabilitation.

Chapter 6

RECOMMENDATIONS

Recommendation 1

That the Department reassess the funding model to Casuarina to ensure that the time lag between the demand for extra services due to population increases and the supply of extra resources to provide those services is minimised, thereby improving service obligations at the prison.

Recommendation 2

That the Department and Casuarina undertake joint infrastructure replacement and maintenance planning, especially keeping in mind the impact of use by an unforeseen number of prisoners and the difficulty in performing maintenance in a prison at excess capacity.

Recommendation 3

That the Department provide adequate increases to the number of civilian staff at Casuarina to provide the required services to prisoners, and that forward planning is undertaken immediately to provide adequate staff when future planned population increases again occur. This is necessary in all service areas including the Prisoner Counselling Service, prisoner treatment programs, education, health and Prisoner Support Officers.

Recommendation 4

That the Department incorporate an understanding of the Standard Guidelines for Corrections in Australia into the recruit prison officer training and that the Training Academy and prisons incorporate this into refresher training for all prison officers.

Recommendation 5

That the Department provide the policies and guidelines required for the Superintendent of Casuarina to properly address the allegations of bullying at the prison, including the embedding of staff performance management systems and disciplinary procedures. The Superintendent must then address the allegations in a timely manner to ensure that Casuarina provides a safe and respectful work environment for all staff.

Recommendation 6

That Casuarina develops a sustainability plan as a matter of urgency and that it engage prisoners and staff in a range of conservation and recycling activities.

Recommendation 7

That Casuarina management ensure that prison policies and procedures emphasise and encourage interaction between staff and prisoners and that support is provided to staff to maximise their opportunities to do this, with the Department monitoring this through incorporating a measure into its standards and compliance framework.

Recommendation 8

That the Department should not adopt a position where double-bunking of prisoners becomes an accepted norm in the Western Australian prison system.

Recommendation 9

That the Department and Casuarina work together to put better systems in place for the release planning and release back into the community of displaced prisoners. In particular, they should be given more opportunity to spend time at the home prison before release.

RECOMMENDATIONS

Recommendation 10

That Casuarina ensures equity of access to services to all prisoners who are entitled them and to improve communication with prisoners to safeguard against perceptions of bias and inequity by any prisoner group.

Recommendation 11

That Casuarina management ensure all displaced prisoners are provided information regarding their entitlement to free telephone calls regardless of their ethnicity or cultural background.

Recommendation 12

That as a matter of priority Casuarina secures the services of an Aboriginal health worker and an Aboriginal mental health worker.

Recommendation 13

That Casuarina monitors and assesses its medical appointment system to guarantee the confidentiality of patients and to improve the certainty and timeliness of patient appointments.

Recommendation 14

That the Department assess the mental health needs of prisoners within the system generally, and specifically at Casuarina, with the view to putting a business case forward to secure funding to provide appropriate needs-based mental health services to prisoners in Western Australia.

Recommendation 15

That the Department urgently assess the risk created by the inadequate number of Prison Counselling Service staff at Casuarina and provide the appropriate number of Prison Counselling Service staff to address this risk.

Recommendation 16

That the Department:

- Take immediate steps to restore the delivery of intensive programs at Casuarina and elsewhere.*
- Take immediate steps to ensure positive supervision and support for programs staff at Casuarina.*
- Take immediate steps to ensure that barriers to expansion of Think First program are removed and that the indigenous version is utilised.*
- Review its objectives in relation to offending behaviour programs, develop an operational strategy to meet these objectives, and bid for resources required to implement this strategy for the growing prisoner population across the state.*

Recommendation 17

That the Department and Casuarina provide a structured day to all prisoners, including constructive activity, contemporary and relevant employment and training opportunities and the prisoner offending behaviour programs it has assessed prisoners as requiring for rehabilitation.

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

Recommendation	Acceptance Level/Risk Rating/Response
<p>Administration and accountability of DCS</p> <p><i>Recommendation 1</i></p> <p>That the Department reassess the funding model to Casuarina to ensure that the time lag between the demand for extra services due to population increases and the supply of extra resources to provide those services is minimised, thereby improving service obligations at the prison.</p>	<p>Not supported / Moderate</p> <p>While the Department does not support reassessing the funding model, it will continue to liaise with the Department of Treasury and Finance to align approved funding levels to the actual prisoner population. However decision-making in regard to this issue is outside the control of the Department.</p>
<p>Administration and accountability of DCS</p> <p><i>Recommendation 2</i></p> <p>That the Department and Casuarina undertake joint infrastructure replacement and maintenance planning, especially keeping in mind the impact of use by an unforeseen number of prisoners and the difficulty in performing maintenance in a prison at excess capacity.</p>	<p>Support subject to funding / Low</p> <p>The Department's Asset Management Plan for Casuarina is the result of a combination of required maintenance, due to the facilities age/condition as identified through the regular maintenance program, and infrastructure upgrade and replacement needs, which are identified in consultation with the facility's management. This approach will continue and will take into account projections for the future prisoner population.</p>
<p>Staffing issues</p> <p><i>Recommendation 3</i></p> <p>That the Department provide adequate increases to the number of civilian staff at Casuarina to provide the required services to prisoners, and that forward planning is undertaken immediately to provide adequate staff when future planned population increases again occur. This is necessary in all service areas including the Prisoner Counselling Service, prisoner treatment programs, education, health and Prisoner Support Officers.</p>	<p>Support subject to funding / High</p> <p>The Department has sought funding to manage demand pressures. It is acknowledged that funding for the provision of the support services has not been forthcoming and as such areas are experiencing substantial stressors in service delivery. Offender Services components must be considered from a system wide perspective rather than from an individual prison. The population demand has placed considerable strain on all Offender Services across the system.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Staffing issues</p> <p><i>Recommendation 4</i></p> <p>That the Department incorporate an understanding of the Standard Guidelines for Corrections in Australia into the recruit prison officer training and that the Training Academy and prisons incorporate this into refresher training for all prison officers.</p>	<p>Supported / Low</p> <p>The Department's Training Academy will incorporate the <i>Standard Guidelines for Corrections in Australia</i> document into the curriculum, centred on 'prescribed reading' and a written assessment. This will be included in Entry Level training for all Correctional Officers (prison officer, community correction officer, juvenile justice officer).</p> <p>The Academy shall provide prisons with the materials above to conduct on-site refresher training for existing Correctional Officers and shall review applicable training materials (eg. use of force, case management, visits, transport, etc) to include a reference to the Guidelines.</p>
<p>Staffing issues</p> <p><i>Recommendation 5</i></p> <p>That the Department provide the policies and guidelines required for the Superintendent of Casuarina to properly address the allegations of bullying at the prison, including the embedding of staff performance management systems and disciplinary procedures. The Superintendent must then address the allegations in a timely manner to ensure that Casuarina provides a safe and respectful work environment for all staff.</p>	<p>Supported / Low</p> <p>The Department introduced policies and procedures around the management of bullying in the workplace during 2007. these policies and procedures are available to all staff through the Department's intranet site and have been supported by a poster and pamphlet campaign to raise awareness and the training of 29 new grievance officers. The Department will continue the implementation of this initiative including the ongoing monitoring of the program. The Department will provide appropriate training to recognise and manage bullying and monitor the progress of the anti-bullying initiatives through regular data collection and the annual staff survey. Progress with regard to Casuarina Prison will be measured as part of this process.</p>
<p>Correctional value-for-money</p> <p><i>Recommendation 6</i></p> <p>That Casuarina develops a sustainability plan as a matter of urgency and that it engage prisoners and staff in a range of conservation and recycling activities.</p>	<p>Supported / Low</p> <p>Casuarina Prison has embarked on a partnership with Murdoch University to prepare a comprehensive sustainability plan for the prison.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Custody and security</p> <p><i>Recommendation 7</i></p> <p>That Casuarina management ensure that prison policies and procedures emphasise and encourage interaction between staff and prisoners and that support is provided to staff to maximise their opportunities to do this, with the Department monitoring this through incorporating a measure into its standards and compliance framework.</p>	<p>Supported / Acceptable</p> <p>The Department supports a Unit Management approach to prisoner management, that encourages staff interaction with prisoners. Training is provided to all new recruits and the Department's Rules, Policies, Instructions and Orders support the Unit Management processes. The Department acknowledges that the current overcrowding in prisons and staff shortages places additional pressures on the prison officers, however, changes to policy and procedures are not required to encourage prison officers to interact with prisoners. The Department is working with the government and others to overcome the overcrowding and staff shortage issues.</p>
<p>Care and wellbeing</p> <p><i>Recommendation 8</i></p> <p>That the Department should not adopt a position where double-bunking of prisoners becomes an accepted norm in the Western Australian prison system.</p>	<p>Supported in principle / Acceptable</p> <p>The Department agrees that the double-bunking of prisoners should not be accepted as the norm. The Department has identified a number of strategies, including temporary double-bunking arrangements, for managing a prisoner population of 4100. The paper outlining the strategies for managing a prisoner population of 4100 provides the reasons why it is undesirable for double-bunking to be continued in the longer term.</p>
<p>Racism, Aboriginality and Equity</p> <p><i>Recommendation 9</i></p> <p>That the Department and Casuarina work together to put better systems in place for the release planning and release back into the community of displaced prisoners. In particular, they should be given more opportunity to spend time at the home prison before release.</p>	<p>Supported in part / Acceptable</p> <p>The Department of Corrective Services supports displaced prisoners having the opportunity to interact with family and community through temporary transfers (DGR 18) to those prisons for visits and additional telephone privileges (PD 36) to assist with reintegration nearing release. Regional prisons are not designed, nor is it desirable, to have higher security prisoners at these prisons for extended periods. Hence, prisoners are transferred to the prison closest to their home in the weeks immediately prior to release.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Racism, Aboriginality and Equity</p> <p><i>Recommendation 10</i></p> <p>That the Department and Casuarina work together to put better systems in place for the release planning and release back into the community of displaced prisoners. In particular, they should be given more opportunity to spend time at the home prison before release. That Casuarina ensures equity of access to services to all prisoners who are entitled them and to improve communication with prisoners to safeguard against perceptions of bias and inequity by any prisoner group.</p>	<p>Supported / Acceptable</p> <p>Casuarina Prison has established Unit 1 as a specialist unit for the management of Aboriginal prisoners, particularly for those originating from remote areas in the State's north and east. The unit provides the opportunity to address special needs of these prisoners. This is supported by the provisions of Policy Directive 36 (additional phone calls for the geographically dislocated) and Notice 55/2007. The Department acknowledges that the creation of this unit may have caused the perception of bias against other prisoners in the prison. The newly advertised position of Coordinator Indigenous Prisoner Services will provide the necessary resource to improve communication with prisoners to safeguard against perceptions of bias and inequity by any prisoner group.</p>
<p>Racism, Aboriginality and Equity</p> <p><i>Recommendation 11</i></p> <p>That Casuarina management ensure all displaced prisoners are provided information regarding their entitlement to free telephone calls regardless of their ethnicity or cultural background.</p>	<p>Supported / Acceptable</p> <p>Casuarina Prison has in place processes for dealing with prisoners who are disadvantaged in accordance with Policy Directive 36. Prisoners are informed of the entitlement during the reception process and copies of the local notice are available in all living units.</p>
<p>Racism, Aboriginality and Equity</p> <p><i>Recommendation 12</i></p> <p>That as a matter of priority Casuarina secures the services of an Aboriginal health worker and an Aboriginal mental health worker.</p>	<p>Supported subject to funding / Low</p> <p>The Department is aware of the need for Aboriginal health workers and Aboriginal mental health workers and will continue to seek funding for these positions.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Health</p> <p><i>Recommendation 13</i></p> <p>That Casuarina monitors and assesses its medical appointment system to guarantee the confidentiality of patients and to improve the certainty and timeliness of patient appointments.</p>	<p>Supported in part / Acceptable</p> <p>To ensure patient confidentiality, Casuarina Prison will progress a process where prisoner requests to see a doctor are placed in a confidential mailbox to be accessed by nursing staff. The newly introduced appointment system plans all medical visits including annual health reviews and follow-up appointments. Health Services are currently exploring options to improve prisoner access to medical appointments by ensuring prisoners and unit staff are aware of the appointments to ensure the prisoners availability for the scheduled appointment. The electronic health records system will be linked to the TOMS system. It is not considered that additional monitoring or assessment is required.</p>
<p>Health</p> <p><i>Recommendation 14</i></p> <p>That the Department assess the mental health needs of prisoners within the system generally, and specifically at Casuarina, with the view to putting a business case forward to secure funding to provide appropriate needs-based mental health services to prisoners in Western Australia.</p>	<p>Supported in part / Acceptable</p> <p>The Department has assessed the need for additional mental health services for prisoners. A business case continues to be put forward to seek funding for this proposal.</p>
<p>Care and wellbeing</p> <p><i>Recommendation 15</i></p> <p>That the Department urgently assess the risk created by the inadequate number of Prison Counselling Service staff at Casuarina and provide the appropriate number of Prison Counselling Service staff to address this risk.</p>	<p>Supported in part, subject to funding / High</p> <p>The Offender Services management team must take a system wide approach to service delivery and allocate its available resources accordingly. The decision to remove two FTE from Casuarina was in order to provide some service to regional facilities that did not have an existing service. As such the decision was based on appropriate risk management principles. It is acknowledged that increases in prisoner population across the state has placed additional stress on the limited service provision capacity available within Offender Services.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Rehabilitation</p> <p><i>Recommendation 16</i></p> <p>That the Department:</p> <ul style="list-style-type: none"> • Take immediate steps to restore the delivery of intensive programs at Casuarina and elsewhere. • Take immediate steps to ensure positive supervision and support for programs staff at Casuarina. • Take immediate steps to ensure that barriers to expansion of Think First program are removed and that the indigenous version is utilised. • Review its objectives in relation to offending behaviour programs, develop an operational strategy to meet these objectives, and bid for resources required to implement this strategy for the growing prisoner population across the state. 	<p>Supported in part, subject to funding / High</p> <p>The Offender Services provided by the Department are considered from a system wide perspective rather than an individual facility.</p> <ul style="list-style-type: none"> • The Department is currently experiencing significant difficulties in recruiting and retaining suitably qualified and experienced staff for the delivery of intensive programs. The vacancy rates in this business area significant and traditional modes of recruitment have largely been unsuccessful. • The Department is taking steps to provide tangible support to those program staff remaining in the field. • Issues raised in respect to Think First are not supported by Offender Services. The delivery of the program by a single facilitator is contrary to endorsed standards for service delivery and should not continue. • A human resource strategy is being pursued to improve these aspects and thus increase the capacity to delivery. OICS is aware of the substantial gap between supply and demand for intensive programming (this has been clearly articulated in the Final Report on Assessment and Classification compiled by OICS).
<p>Rehabilitation</p> <p><i>Recommendation 17</i></p> <p>That the Department and Casuarina provide a structured day to all prisoners, including constructive activity, contemporary and relevant employment and training opportunities and the prisoner offending behaviour programs it has assessed prisoners as requiring for rehabilitation.</p>	<p>Supported in principle, subject to funding / High</p> <p>Casuarina Prison continues to manage the increased prisoner population in a constructive way through the identification of suitable employment, education and program activities and the use of temporary facilities. The Department has identified strategies for managing a prisoner population of 4100, are viewed as a temporary measure for two or three years. This is seen as a temporary operating environment for two or three years. As a result it would not prove cost effective to invest in long term industry expansion at Casuarina Prison. The ability to provide additional constructive activity is dependent on funding and service agreements.</p>

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2003 RECOMMENDATIONS

Recommendation Number	By type of Recommendation/Duration	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
1	REPORT NO. 28: REPORT OF AN ANNOUNCED INSPECTION OF CASUARINA PRISON					
	Staffing Issues			•		
	That as a matter of urgency, the Department takes rigorous steps to address the availability of custodial and non-custodial prison staff at Casuarina Prison.					
	Administration and Accountability of DCS		•			
	That the Department review its funding model for Casuarina Prison to ensure funding takes into account the full range of services required by staff (including training) and prisoners.					
	Administration and Accountability of DCS			•		
	That the Department and Casuarina Prison management establish formalised mechanisms for supporting, monitoring and reporting on all aspects of operational compliance in Casuarina Prison.					
4	Correctional Value for Money			•		
That the Department enters into a comprehensive and discrete service delivery agreement with Casuarina Prison.						
5	Custody and Security		•			
That Casuarina Prison management review the resources and processes applicable to the safety of prisoners to bring them more in line with the prison's custodial intent.						
6	Custody and Security			•		
That Casuarina Prison management review and improve the resources and processes in place for the gathering and utilisation of intelligence. This would include training of Casuarina Prison staff about the protocols and processes for the use of the intelligence gathering system.						
7	Custody and Security			•		
That the Department establish, monitor and report on clear entry and exit criteria for the SHU precinct generally and case manage each individual prisoner placed in that precinct for more than 30 days.						

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2003 RECOMMENDATIONS

Recommendation Number	By type of Recommendation/Duration	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
8	<p>Custody and Security</p> <p>That the Department and Casuarina Prison management review and improve local emergency management procedures and capabilities.</p>			•		
9	<p>Reparation</p> <p>That Casuarina Prison management develop an all-of-prison plan for its reparative activities that better reflects its guiding principles and includes individual worksite targets and training for VSO's.</p>		•			
10	<p>Rehabilitation</p> <p>That Casuarina Prison management develop and implement a viable case management system that includes training for staff in the required administrative and welfare based tasks.</p>			•		
11	<p>Rehabilitation</p> <p>That Casuarina Prison management improve prisoner access to recreational activities. Specifically the range and amount of recreation available and, in light of the Prisons Division Aboriginal Strategic Plan, the restrictions on the number of prisoners able to congregate at the prison's Aboriginal Meeting Place.</p>				•	
12	<p>Administration and Accountability of DCS</p> <p>That the Department improve the reliability and validity of information reported in its PPMS reports, particularly those relating to employment and constructive activity.</p>		•			
13	<p>Rehabilitation</p> <p>That Casuarina Prison management instigate a project to review and better integrate and coordinate constructive day activities across the prison.</p>		•			
14	<p>Rehabilitation</p> <p>That the Department review the practice of transferring prisoners to more secure prisons such as Casuarina Prison for the purpose of completing programs.</p>		•			
15	<p>Rehabilitation</p> <p>That the Department ensure it has sufficient resources in Casuarina Prison and in the Offender Services Branch to enable all needs identified in prisoners' IMPs to be addressed in a timely fashion.</p>	•				

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2003 RECOMMENDATIONS

Recommendation Number	By type of Recommendation/Duration	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
16	Custody and security That in line with its commitment to keep prisoners at their lowest security rating and as close to their primary residence as possible the Department address, as a matter of urgency, its localised prisoner bed shortfalls in its regional and metropolitan prisons.	•				
17	Health That the Department review resources and systems in place at Casuarina Prison to support its opioid replacement pharmacotherapy program and in particular that it clarify program entry criteria.				•	
18	Care and Wellbeing That the Department review the suitability of food actually consumed by prisoners Casuarina Prison, in particular, its quality; variability; suitability for prisoners requiring significantly fat reduced diets, and cultural appropriateness.			•		
19	Reparation That the Department more generally review the viability of Casuarina Prison providing its own kitchen and laundry facilities.		•			
20	Racism, Aboriginality and Equity That Casuarina Prison management establish, monitor and report on specific compensatory efforts made for those classes of prisoners that are comparatively disadvantaged by being in Casuarina Prison.				•	
21	Care and Wellbeing That the Superintendent explore options for the expansion of the peer support team and assess the need for an additional PSO.			•		
22	Care and Wellbeing That Casuarina Prison management ensures that all protection prisoners have a clear and realistic plan for their progression to mainstream, that progress against this plan is monitored and reported and that stringent anti-bullying processes are in place to ensure the safety of post-protection prisoners.		•			

Appendix 3

THE INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Bill Cullen	Director Strategic Operations
Natalie Gibson	Principal Inspections and Research Officer
Cliff Holdom	Inspections and Research Officer
Lauren Netto	Inspections and Research Officer
Fiona Paskulich	Inspections and Research Officer
Pieter Holwerda	Inspections and Research Officer (seconded from the Department of Corrective Services)
Kate Hitchens	Inspections and Research Officer
Jim Bryden	Inspections and Research Officer (seconded from the Department of Corrective Services)
Diane Broadby	Manager Community Relations
Joseph Wallam	Community Liaison Officer
Kieran Artelaris	Research Officer
Cheryl Wiltshire	Expert Advisor, Department of Education and Training
Dr Adam Brett	Expert Advisor, State Forensic Mental Health Service
Dace Tomsons	Expert Advisor, Drug and Alcohol Authority
Jim Hodges	Expert Advisor, Riskcover
Ian Cox	Expert Advisor, Office of the Ombudsman WA
Joyce Wolf	Expert Advisor, Office of the Ombudsman WA
Renaë Hodgson	Expert Advisor, Office of Health Review

Appendix 4

KEY DATES

Formal notification of announced inspection	19 April 2007
Pre-inspection community consultation	19 June 2007
Start of on-site phase	15 July 2007
Completion of on-site phase	27 July 2007
Inspection exit debrief	27 July 2007
Draft report sent to the Department of Corrective Services	31 October 2007
Draft report returned by the Department of Corrective Services	21 December 2007
Declaration of prepared report	12 February 2008



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