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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED FOLLOW-UP
INSPECTION OF ROEBOURNE REGIONAL PRISON



Report of an Announced Follow-up
Inspection of Roebourne Regional Prison

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The Inspector's Overview

ROEBOURNE REGIONAL PRISON SHOWS SOME IMPROVEMENT BUT IS STILL FRAGILE

The circumstances necessitating a short follow-up inspection of Roebourne Regional Prison are described in Chapter 1 of this Report. This was the first occasion on which the Inspector had activated such a mechanism. It proved to be a useful tool. The benefit was that it enabled the Inspector's office to assess a relatively narrow range of acute issues relevant to the particular prison in a short time with a small inspection team. In other words, it was time- and cost-effective. From the Prison's point of view, it meant that the impact of the inspection process upon daily prison management and prisoner life was minimal. This style of inspection will certainly be utilized in future where the local prison situation is such that a tightly-focussed assessment of its performance in particular areas is apposite. Indeed, a short follow-up inspection of another regional prison, which has not adequately addressed its problems, is already being planned.

Of course, short follow-up inspections are not a substitute for full inspections. They are based on the premise that a full inspection has identified particular issues that raise special concerns or risks. In the case of Roebourne, these issues were: leadership; staffing; risk management; prisoner conditions and regimes; climate control; and the utilization and development of DECCA station. These matters are discussed in Chapter 3. The conclusion was that "in broad terms there had been some real improvement." However, various factors "will keep the prison under continuous pressure for many years to come. Successful management will require continuous attention to detail and a willingness by the Department to make investments in regime improvements" (see 4.1 of the Report).

Those last words seem to have been prescient. The Department's response to the single recommendation in this Report – the closure of DECCA station and the switch of its resources and programs back to the Prison or an immediately adjoining area – has been to reject the proposal and, essentially, to challenge the observations upon which it was based.

Subsequently, I have discussed this matter with the Superintendent. His comments have validated our observations. At the time of the inspection he had been on recreation leave for about six weeks. When he departed on leave DECCA had been, in his view, functioning as it was intended, with active work on-site. TAFE training was being provided off-site, but with a view to moving it on-site when the necessary classroom accommodation had been completed. However, during his absence the DECCA-based activity lapsed and the TAFE plans drifted. In other words, the "continuous attention to detail", to which we referred above, was lacking. The Superintendent now tells me that the DECCA project is back on track. If that is the case, the Department's response, which seemed almost fictitious in its claims, may well represent the contemporary situation. But it certainly did not represent the situation as at the time of the inspection. In that regard, the inspection was a necessary wake-up call.

An Inspectorate cannot simply accept the say-so of the Superintendent, however, and treat its work as being done. With our continuous inspection/liaison visit model, the status of the DECCA project will be kept under observation. The point is that it should either be done properly or not done at all. At the time of the inspection it was not being done properly.

ROEBOURNE REGIONAL PRISON SHOWS SOME IMPROVEMENT
BUT IS STILL FRAGILE

The remainder of this Report speaks for itself. It should be read in conjunction with Report 48 – Report of an Announced Inspection of Roebourne Regional Prison – which was tabled in Parliament on 6th May 2008.

Richard Harding
Inspector of Custodial Services
2nd April 2008.

Chapter 1

THE CIRCUMSTANCES NECESSITATING A ‘SHORT FOLLOW-UP INSPECTION’

- 1.1 Roebourne Regional Prison was last inspected in November 2006.¹ At that time the prison had been in an extremely fragile state to the point where the occurrence of one or two unusual incidents or the development of an unexpected situation could tip it into a state of crisis. This fragility mainly arose out of acute stresses in terms of staff availability so that all services and programs had been considerably prejudiced.
- 1.2 Consequently, the Inspector had taken the unusual step of formally notifying the Minister for Corrective Services and the Department of Corrective Services (‘the Department’) that he considered the prison to pose a risk that should be urgently addressed. To its credit the Department responded by immediately planning and then instituting a fly-in/fly-out scheme for seconding custodial staff to the prison for short periods of about three months. This was an incentives-based program in terms of free accommodation, flights home to Perth or their other base, and financial loadings. There was also some attempt by the prison to identify their own secondment needs for officers with certain ranges of experience and skills.
- 1.3 This scheme came into operation by January 2007. Typically about eight officers from other prisons were seconded in at any given time. One of the benefits of this is that the permanent local staff were no longer under such pressure to do overtime to cover the rosters, something which had become very hazardous in occupational health and safety terms.
- 1.4 In the event Roebourne Prison survived the long hot summer of 2007 without further disruption or incident. As with all measures taken with a view to preventing the occurrence of a risk, one can never be certain that the risk did not eventuate because of the preventive measures or whether it would not have eventuated in any case. However, the Office is reasonably confident that the preventive measures were a significant contribution to the fact that no incidents occurred. There had been some unusual volatility amongst the prisoner population at the time of the inspection and this had certainly been attributable to the fact that various activities were shut down or limited due to staffing shortages as well as to other factors beyond the immediate control of the prison management, including the prisoner mix.
- 1.5 At the conclusion of the 2006 inspection the Office indicated that on account of the elevated risk situation a further inspection may be carried out within approximately 12 months. Although regular liaison visits led to the belief that improvements were occurring and stability was being achieved, there were other factors that in the end persuaded the Office that a ‘short follow-up inspection’ was justifiable and would be useful. These included the fact that the substantive superintendent had unfortunately had to take prolonged periods of sick leave during which there had been a series of acting superintendents in post. Further, other senior managers had had to take sustained periods of leave, and these factors in turn had cascaded down through the management system with a series of acting appointments at those levels. In this context the capacity of the prison to cope with its regular management team in place had not really been established over time, and it seemed appropriate to make some evaluation

1 Office of the Inspector of Custodial Services (OICS) *Report of an Announced Inspection of Roebourne Regional Prison*, Report No.48 (November 2006).

of this situation. In addition, the crowding in the prison system as a whole and the pressures on Roebourne as an occasional overflow prison for Broome Regional Prison were exacerbating factors that could have added to the prison's fragility.

- 1.6 More generally, Roebourne is certainly one of the most impoverished prisons in the state in terms of its personnel and resources and given that its population is invariably 90 per cent or more Aboriginal equity considerations arise that the Office should always treat as a prominent theme in its work.

Chapter 2

THE INSPECTION PROCESS

- 2.1 Accordingly, on 6 December 2007 the Office notified the Commissioner of Corrective Services that a short follow-up inspection would be held between Tuesday 15 and Thursday 17 January 2008. It was indicated that the inspection was not intended to be a comprehensive one in the way of regular three-yearly inspections. The Inspector wrote:

The purpose will be to ascertain what progress has been made against the specific recommendations and the action plan in the previous draft report and also to update any major findings that were previously made.

The Inspector accordingly requested the Department:

[P]rovide an evidence-based account of the progress against recommendations. I emphasise the evidence factor because we really wish to distinguish between matters that have been done, matters that are at the planning stage and matters which may or may not get done in the fullness of time.

- 2.2 The Department's response² was somewhat disappointing and confusing. This was exemplified by the claim that 16 of the recommendations in the 2006 inspection draft report had been implemented, yet in most of those cases no direct evidence of this was supplied. Rather, the general point was made that assurance of completion awaited the Department's Internal Audit System. It must be emphasised that the Office's functions and departmental responses to statutorily authorised requests for information must not be relegated below the Department's own internal quality assurance processes. A statement that internal assurance is awaited is of little value. For the most part, the supporting narrative in relation to the state of implementation of the recommendations did not really provide evidence so much as assertion. Consequently, the Office was pushed back into the position of having to check every claim directly on the ground in detail rather than being able to rely *prima facie* upon the documentary evidence submitted by the Department.
- 2.3 When this was done, as happened in the course of this short follow-up inspection, various anomalies emerged. For example, five of the recommendations that the Department had claimed had been completed were found not to have been completed and in most cases not even commenced. Compounding this, several recommendations that had not been supported by the Department in their formal response were found to have been addressed reasonably effectively. Part of the explanation for this apparent contradiction lay in the fact that local Roebourne management had at various times very sensibly taken the initiative themselves in some of these matters. In fact, Roebourne management also supplied the Office with a list of the current status of some but not all of the 2006 recommendations. It was noticeable that there were some contradictions between that information and that which was supplied from the head office of the Department.

2 Department of Corrective Services, 'RE: Short follow-up inspection of Roebourne Regional Prison' letter (7 January 2008).

- 2.4 Without wishing to labour the point, the information flow preceding this short follow-up inspection highlighted the inadequacies of the Department's internal information systems and its ability to report accurately upon its own performance. This failure is distracting as the Office goes about the task of evaluating the strong and the weak points of a prison's performance and is also a concern if the Department is to make convincing business cases to the government for recurrent funding and new initiatives.
- 2.5 The Office has for a considerable time had concerns about the Department's ability to describe its own performance and business; the preparation for and processes related to this short follow-up inspection has highlighted this concern more graphically than on any previous occasion.
- 2.6 It is not intended on this occasion to enter up in some kind of matrix, to be included as an Appendix to the Report, the varying assessments of the Department, the local management and the Office as to the state of progress of various recommendations. To keep things relatively manageable, the Office will continue to monitor through the regular liaison visits the status of the original 2006 recommendations. For the current record, it is sufficient to say that adequate progress as of January 2008 had been made upon the following recommendations from the 2006 inspection³: recommendations 3, 4, 5, 7, 9, 14, 17, 18, 19, 21, 29, 32, 33, 34, 35, 36, 37 and 38. No progress or less than acceptable progress has been made in relation to recommendations 6, 10, 12, 15, 22, 23, 30, 31, 39, 40 and 41. The remaining recommendations have either been superseded or remain ambiguous in terms of their implementation status. This Report should be read in conjunction with the 2006 report and recommendations.

3 OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 48 (November 2006) 31-40.

Chapter 3

THE KEY ISSUES

3.1 The key issues at Roebourne Regional Prison were as follows:

- Leadership;
- Staffing;
- Risk management;
- Prisoner conditions and regimes;
- Climate control; and
- Decca Station.

LEADERSHIP

- 3.2 In the period since the 2006 inspection, local management had been active and engaged. Reference has already been made to the separate local action plan developed pursuant to the 2006 inspection report recommendations. Also, the prison was able to supply this Office with a schedule of maintenance and minor works improvements as at December 2007 through to the end of 2008. This schedule indicated that a considerable amount of attention was being paid to the ‘housekeeping’ aspects of running the prison as well as to new constructions of a minor kind within the prison. These things were certainly to be commended. However, it was equally apparent that some of these matters had occurred piecemeal or were inadequately supervised.
- 3.3 The example of shade cloth over the visits area – small shade cloths fitted far too high to give effective protection – and of the opening of the day rooms in the various units – where the opened areas were partially enclosed by wide mesh fencing which no-one within management could positively explain or accept responsibility for – were indicative of absence of cohesive processes. These matters may seem relatively trivial in themselves. However, along with many other regime matters that we observed, they seem to be indicative of the fact that the prison had been lacking for the last year or so in continuous substantive leadership. All organisations need permanent and settled substantive leadership and this is particularly the case with prisons.
- 3.4 As mentioned above, this had largely come about because of the necessity for the substantive superintendent to take a considerable amount of sick leave during 2007. His absence and that of another senior member of the management team has had the knock-on effect that at any given time several of the management team have been in acting rather than substantive positions. During 2007 two senior departmental officers have acted as superintendent at Roebourne, in each case for about three months. It was evident that each of them had made a very positive contribution to the prison and that their energy and vision had been much appreciated by the permanent staff. What is not so evident, simply because it has not occurred for some time, is whether the substantive team now back in post can meet the very pressing and difficult demands of the prison. In many ways, Roebourne is the most isolated and marginalised prison in the state⁴ and in this context it may well be that the permanent management team should be given some additional assistance from head office.

4 A view stated in the first inspection report for the prison (OICS *Report of an Announced Inspection of Roebourne Regional Prison*, Report No.14 (April 2003)), re-stated in OICS *Report of an Announced Inspection of Roebourne Regional Prison*, Report No.24 (October 2004) and again in the 2006 report (OICS *Report of an Announced Inspection of Roebourne Regional Prison*, Report No.48 (November 2006)).

STAFFING

- 3.5 As previously mentioned, the Department very sensibly initiated a fly-in/fly-out secondment system for officers and senior officers from other prisons. This has been supported by incentive payments, free accommodation and occasional return trips to Perth or the centre from which the officer has been seconded. During the 12 months prior to inspection Roebourne had hosted 8-10 seconded officers on average at a time, usually for a period of three months but with some possibility of extension. The process was well-managed in that there was a real attempt to match Roebourne's needs to the group of secondees who were working there at any given time; for example, for one three-month period a very experienced training senior officer was seconded to the prison and during that time some much needed updating in training matters was able to be implemented.
- 3.6 To this point the other prisons have apparently been cooperative in permitting staff to be seconded, though some have inevitably made greater contributions than others. There was some suggestion that slight resistance may be building to releasing officers at a time when every prison is beginning to suffer from the effects of overcrowding and thus greater stresses on staff. So the question arises whether, even in a context where as many as 65 applicants recently expressed interest in the eight available positions, the system is sustainable. The answer is that it simply must be sustained, and if necessary head office would have to intervene to ensure that the secondment process continues.
- 3.7 The reason why it must continue is that, unfortunately, Roebourne is losing staff as quickly as it acquires new permanent staff, with the consequence that the secondment system is simply enabling the prison to keep its head above water, rather than moving to a level of higher staffing stability. The loss of staff – 13 in the last 12 months – has occurred despite the fact that at last the Department has negotiated through the Enterprise Bargaining Agreement process a realistic regional incentives scheme. There are admittedly some anomalies but nevertheless it does appear to amount to a broadly acceptable package. Unfortunately, labour market forces in the Pilbara at the present time are such that there is great volatility in the permanent workforce, both public and private sector. The Department has probably now reached the point where it cannot viably do a great deal more to counteract this situation.
- 3.8 Staffing difficulties also extended to the non-uniformed staff. However, at the time of inspection Roebourne looked to be doing better than expected in some regards. The sudden loss of the Prison Support Officer (PSO) seemed likely to lead to a long hiatus before he could be replaced; but providentially this turns out not to be so and a new PSO is now working in the prison. Also, it is anticipated that there will be an influx into the Prisoner Counselling Service (PCS) team during the first few months of 2008, and coverage will be more comprehensive than it has been for many years. Both the education and the health staffing arrangements seemed relatively stable. And, as previously mentioned, the management and administrative team also was regaining its stability.

- 3.9 Staffing will always be a crucial issue at Roebourne, and current labour market conditions certainly exacerbate the problems. The fly-in/fly-out secondment scheme would seem to be inextricably linked for the time being with the viability of the prison. It has certainly enabled some of the appalling pressures on the overtime schedules for permanent officers to be relieved. But even so the situation remains somewhat fragile.
- 3.10 Yet at the time of this follow-up inspection it was evident that staff morale overall was markedly higher than at the time of the 2006 inspection. There was very much an attitude of mutual support. This was perhaps best exemplified on Christmas Day itself when only eight custodial staff were rostered but an extra five voluntarily came in to help them and to ensure that prisoners were able to enjoy an enhanced regime during that special day of the year. Other initiatives, such as regular meetings of the senior officer complement, have been introduced; these are also indicative of the determination of local staff to take ownership of the problems and dilemmas that arise out of the staffing stresses.
- 3.11 Unfortunately, every aspect of the Roebourne staffing situation is exacerbated by the difficulties in obtaining reasonable quality housing in the area. With the mining boom in full swing, the pressure on housing is enormous and prices have escalated rapidly. For example, the house rented for the superintendent at \$1300 a week through the Government Regional Officers' Housing scheme (GROH) was taken back at the end of the lease and re-let to a mining company for \$3,000 a week. GROH has responsibility for managing all government leases in the area and despite the fact that the Department has a budgetary allocation to pay market rates for housing, GROH will not fully commit to doing so on the Department's behalf. Consequently, the Department appears to be under even greater pressure to obtain housing than is perhaps strictly necessary. This is not a problem that is readily able to be solved.
- 3.12 However, it is evident that the coordination between GROH in the Pilbara, Roebourne Regional Prison management, GROH at head office, and the Department of Corrective Services at head office must work more smoothly than has been the case previously if tangible progress is to be made and sustained in this difficult area. One pleasing event, however, is that the arrangements for obtaining short-term accommodation for the fly-in/fly-out secondees has been handled, with GROH's agreement, directly by the local prison management – a process that has enabled greater flexibility to be brought to the negotiations with an outcome that has been more satisfactory than might otherwise have been the case.

RISK MANAGEMENT

3.13 Many of the matters referred to above are relevant to the management of the potential risk of breakdown in orderly management. For example, the whole discussion of staffing levels is relevant to the management of risk. So is the ability to deliver a structured day regime and sufficient activity – matters that will be briefly discussed later. However, the most important aspect of risk management has been population control. At the time of the 2006 inspection the population had been hovering around the 180 mark; but in January 2008 it was only 140. This was despite the fact that the overall population figures for the state prison system had increased during that period. It was clear, therefore, that the Department understood that a key aspect of risk management in the particular conditions of Roebourne Regional Prison involved trying to keep the population reasonably low. If that has meant that some other prisons in the system have had to take a little extra pressure, then that is not inappropriate, for Roebourne would be the prison least capable at the present time of absorbing additional pressure safely.

3.14 There were some other good aspects of risk management including:

- Effective fire and cyclone preparation;
- Strong first night arrangements; and
- Good reception processes.

With regard to the latter, the prison had developed what appears to be best practice in the state by showing the DVD relevant to the prison to which prisoners are about to be transferred. Generally, the transit arrangements had been improved with every effort made to minimise occupancy of the transit cell by putting prisoners in the minimum-security wing overnight or, if necessary, the maximum-security wing before the commencement of the transport south or north.

3.15 In other respects, risk management could be improved. These include:

- A better complaints system;
- Stronger unit management arrangements; and
- Better movement of services into the maximum-security area.

Finally, the Security Manager's position needs to be upgraded and filled on a permanent basis. The Office was assured that this matter was in the pipeline but want to see it implemented on the ground. This and most of the other issues relating to risk management have been traversed in earlier reports, including the 2006 inspection report.

PRISONER CONDITIONS AND REGIMES

- 3.16 The primary matter with regard to prisoner conditions relates to climate control. This will be discussed as a distinct matter. Beyond that, not a great deal had changed since the 2006 inspection and report. The day still lacked sufficient routine and was a far cry from being 'structured'. This was because recurrent staffing shortages lead to the closure of industries and workshops quite frequently or to limitations on the Section 95 programs. There simply was not enough for prisoners to do.
- 3.17 The standout exception relates to education and vocational skills. The basic literacy and numeracy classes seemed to be running well. So also was the art program which is offered on Fridays. There is also a very successful Blue Card accreditation program, and 36 prisoners had recently passed that course. Generally, it was apparent that prisoners appreciate being in the education centre and the interaction with the education staff was excellent. However, there are difficulties in recruiting and retaining tutors – a factor which exactly parallels that of obtaining people for the workforce generally in the Pilbara region. Consequently, one program which has suffered is that of the New Opportunities for Women (NOW); this is symptomatic of somewhat reduced opportunities for women generally in the education area despite the great efforts of the Campus Manager. Also, the pressures upon the staff are such that opportunities of pursuing their own professional development are few and far between.
- 3.18 The recreation program was also somewhat underdone, though it was pleasing to see that there were still swimming opportunities under the Section 95 recreational program for minimum-security prisoners.
- 3.19 Visits have improved since the last inspection. Although, as previously mentioned, the shade cloth over the outside visits area is rather peculiarly located; nevertheless the area is more pleasant. The indoor visits area has also been improved, with a separate play area for children about to be equipped. Strip searches of visitors have to all intents and purposes ceased, with the practice being adopted of searching prisoners after visits. Although this is not ideal, it is far preferable to and less distressing than the knowledge of prisoners that their family members are likely to be strip searched.
- 3.20 The Aboriginal Visitors' Scheme (AVS) has always been a strong point at this prison, and that remained the case. The AVS members were prominent in the prison and well respected by management as well as widely trusted by prisoners.
- 3.21 The new Prisoner Support Officer (PSO) was settling into the job and the Peer Support Group appeared to be active and positive. During the inspection the Office had a meeting with that group and found their understanding of the dilemmas of the prison, including the stresses upon staff, impressive. That is certainly an important factor when a prison has been under the kind of stress that was the case with Roebourne.

- 3.22 The health service seemed to be in reasonable balance with the demand. There seemed to be realistic plans to improve services around the mental health and drug and alcohol addiction areas. This comes about through the creation of a new co-morbidity nursing position addressing these two health deficiency areas. The Office was assured that a person is likely to be appointed and in place in the prison by April or May.
- 3.23 With regard to programs, there was a new programs facility constructed as part of the prison's minor works activity, and this is very much to be welcomed. The prison has also managed to recruit two PCS staff who will take responsibility for treatment assessments, at-risk management and programs. Assuming this level of staffing comes to pass, Roebourne will be in a strong position. It should be possible to assess the viability of delivering sex offender and/or violent offender treatment programs on-site and also for developing in conjunction with the Manager of Offender Services for Women offender programs suitable for the female prisoner population.
- 3.24 With regard to the IMMASU programs, which the Office regards as a core requirement for the population of an 'Aboriginal Prison', there is a new framework whereby the head office based Clinical Supervisor for Indigenous Programs will take responsibility for assuring the continuity of this program. The plan is to train the PSO to co-facilitate this program and also to use external service provision from the local community. In other words, there will be a three-pronged approach – some fly-in/fly-out resource, local input and contracted external resources. This is a model that should enable that level of program delivery to be sustained.
- 3.25 However, there are still problems with regard to cognitive skills programs. There are four programs tentatively scheduled for 2008, but whether these are actually delivered depends upon the ability of the prison to release the two trained cognitive skills coaches from general roster duties. As already mentioned, there is great stress on staffing levels, so that this will be a very difficult challenge for local management. In the view of the Office, cognitive skills programs for Aboriginal prisoners are so important that special efforts should be made by head office intervention to cover the roster so as to enable these programs to go ahead.
- 3.26 In summary, since the 2006 inspection some matters relating to prisoner conditions and regimes have improved.

CLIMATE CONTROL

- 3.27 The Office has repeatedly had cause to comment upon the oppressive climatic conditions to be found at Roebourne Regional Prison.⁵ The prison is located in what must surely be one of the harshest climatic parts of the state. In the course of the 2006 inspection the temperature within the cell areas had been continuously monitored during one night, and it was found that the lowest internal temperature was four degrees Celsius higher than the lowest external temperature.⁶ In the week preceding this follow-up inspection, the day-time external temperature at the prison had, we were reliably informed by officers, reached 52 degrees Celsius in the yards, and the night-time temperature only fell to the low thirties. On that basis, it was a reasonable supposition that the night-time temperature in the cells would have been of the order of 36 or 37 degrees Celsius. Certainly the testament of prisoners suggested that the situation had been almost unbearable.
- 3.28 Moreover, as pointed out in the 2006 inspection report, the impact of daylight saving has exacerbated the climatic conditions.⁷ Lockup in reality takes place in a 15 minute period commencing at 7:00 pm., which from the point of view of the position of the sun in the sky and the ambient temperature is 6:00 pm real time. Unlock does not effectively occur for at least the next 12 hours.
- 3.29 While there are fans in all cells, these simply move hot and, in frequently overcrowded cells, stuffy air around for minimal benefit. These are the sorts of situations where heat-stroke can occur, particularly amongst a population with poor health profiles, including heart disease and kidney disease. In the view of the Inspector, the implications of this should be quite clear; if a death occurred in such circumstances, the Department could be found to have breached its duty-of-care to prisoners both under the Prisons Act 1981 (WA) and at Common Law. The 2006 report recommended that the Department explore ways where a better climate outcome for prisoners could result – the use of climactic controls to reduce air temperature and to increase [cool] air flow, and both structural and procedural changes to reduce the duration prisoners are locked into cells and therefore exposed to potential heat stress.⁸
- 3.30 In response the Department increased the amount of shaded area available to prisoners in the minimum-security and medium-security yards and made a rather confused attempt to open up the day-rooms in these yards. While welcome, in comparison to the extent of the issue, their efforts appear minimalist and poorly coordinated. In particular, they fail to address the long period prisoners are locked in cell. In this regard, both the local administration and the wider Department appear to have placed this issue into the ‘too hard basket’.

5 OICS *Report of an Announced Inspection of Roebourne Regional Prison*, Report No.24 (October 2004) 22 and OICS *Report of an Announced Inspection of Roebourne Regional Prison*, Report No.48 (November 2006) 16.

6 OICS *Report of an Announced Inspection of Roebourne Regional Prison*, Report No.48 (November 2006) 16.

7 OICS *ibid.*,17.

8 OICS *ibid.*, recommendations 11, 12 and 13.

- 3.31 Whilst on-site the cost of installing air-conditioning was discussed with the local management. This is one option for achieving better climate control which the Department in its response to the 2006 recommendations stated was ‘prohibitively expensive’ and ‘not fully supported by all prisoners’. Local management provided an estimate of \$7-8 million to install air-conditioning, based presumably on some preliminary exploration of this matter sufficient to cause the Department to respond that it was ‘prohibitively expensive’. Such expenditure, amortised over a further lifespan of the prison of even ten years, is not in the Office’s view prohibitively expensive. Particularly given that at their worst, the climatic conditions for male prisoners could, in the view of the Inspector, amount to ‘cruel, inhumane or degrading treatment’ in terms of the United Nations Convention on Torture.⁹
- 3.32 As to the claim that not all prisoners fully support the installation of air-conditioning in the cells, this is at best a disingenuous comment. As with any group of people in relation to virtually any question that can be put to them, someone will be found who is opposed to a course of action or is luke-warm about it. That is a far cry, however, from ascertaining in a properly structured way the overall attitude of a particular population in relation to that problem.
- 3.33 In the course of this inspection, the inspection team repeatedly questioned prisoners about this issue, aware of the argument that possibly airflow and open air is more important than cool temperatures to some Aboriginal prisoners. It should be put on the record that the team did not encounter a single person who would not welcome air-conditioning in cells. This was the view of the Peer Support Group and of numerous prisoners questioned individually or in small groups. To be frank, the Department’s argument that ‘prisoner choice’ has to be taken account of and would not support air-conditioning is a furphy. It is calculated to distract attention from the primary consideration – cost. The matter must be decided on the basis of decency and humanity, not cost, and taking account of duty of care implications. Were that done, installation of air conditioning or some other means to deliver a similar level of climactic control would have to be agreed.
- 3.34 It should be added that the Department has accepted that the women’s cells, the maximum-security cells and the multi-purpose cells should be air-conditioned. This was a response to an earlier report of the Office,¹⁰ and implementation of that recommendation is certainly to be welcomed. However, it really makes it impossible for the Department to argue further that climate controls such as air-conditioning are contrary to the wishes of the population. Moreover, the heavy attendance at the education centre, which is air-conditioned, is evidence enough that Aboriginal prisoners like everyone else in extreme climates, welcome relief from extreme temperatures – as indeed they themselves told the inspection team.
- 3.35 In summary, the Department has almost completely failed to address the key recommendations from the 2006 report concerning climatic conditions – namely recommendation 11 as to climate controls, recommendation 12 as to the impact of daylight saving and heat stress on prisoners, and the more general recommendation 13 about later lockdown for minimum-security prisoners.

9 *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

10 *OICS Report of an Announced Inspection of Roebourne Regional Prison, Report No.14 (April 2003), recommendation 7.*

DECCA STATION

- 3.36 At the time of the 2006 inspection Decca Station was in a temporary state of limbo. It had commenced operations as a training facility for prisoners earlier in 2006 but then the discovery of asbestos and other noxious substances had put it on hold. Clearance of the site was scheduled and completed subsequent to that inspection.
- 3.37 The evident enthusiasm of the management team and the fact that Roebourne Regional Prison would certainly have benefited from external Section 95 activity of this kind persuaded us in the 2006 report to recommend that the project be continued and supported. Specifically it was recommended:
- 27 – That the Department give a commitment to provide Roebourne Regional Prison with the required level of recurrent funding to support the operation of the Decca Station as an ongoing training facility.
- 28 – That Roebourne Regional Prison develop a training plan for Decca Station to be implemented within the next three years.
- 3.38 In its response the Department supported each of these recommendations in principle, whilst assigning them a low priority.
- 3.39 In the light of a further inspection of Decca Station, the Office has now withdrawn these recommendations. Decca Station is a degraded facility abandoned by another government department as having no further utility. The buildings are decaying and run-down, and none of them seem well designed for a training and vocational work area. At the current rate of progress, using prison labour under the direction of the sole officer who has been assigned responsibility for the task, it would take many years and considerable capital resource to bring the site up to a usable standard. This refers not just to the availability of a training area but also to the usual requirements of kitchen, toilets, dayroom and officer facility.
- 3.40 Even if this refurbishment could be achieved within a tolerable time-limit, there does not seem any obvious benefit in marginalising this vocational training activity from the resources and systems available at the prison itself.
- 3.41 The achievements of the station to date have been laudable considering the low level of resourcing and amenity. The responsible officer, in conjunction with the education department back at the prison, has helped 19 distinct individuals to achieve some level of certificated competence and employability since this program commenced. In turn many of those individuals became eligible for the Millstream Work Camp and presumably that is where some of cost-benefit makes itself apparent. Also there is some anecdotal evidence relating to post-release employment of a few of those individuals. This certainly indicates that the approach has some real benefit and attraction but it does not indicate that the model is the correct one.

- 3.42 At the prison itself, the workshops were often, as already mentioned, shut down because of rostering difficulties. Yet they are of reasonable quality and could quite readily be extended and improved in terms of both the work areas and the training equipment. Bringing the Decca Vocational Training Scheme back into the prison mainstream would also open it up to medium-security prisoners and assist in the general movement of prisons down through the security ratings and ultimately out into the Millstream Work Camp.
- 3.43 Decca Station has been a laudable attempt to improve the contribution of the prison to helping prisoners become employable upon release. Even at its relatively under-funded level, it is not cheap. The resources could more fruitfully be employed by moving the types of work and training that are intended to take place at Decca Station back into the main prison complex.

A PILBARA CUSTODIAL AND CORRECTIONAL MANAGEMENT PLAN

- 3.44 In the course of carrying out the work related to the Directed Review of the Management of Offenders in Custody (Report 30), the Office analysed in detail the prisoner population needs for the Pilbara. Analysis at that time tended to confirm that the Karratha/Roebourne area is not the principal catchment area for prisoners, though of course some come from that immediate vicinity. Rather, the main catchment area is from Port Hedland south towards Newman. The premise upon which a new prison was built at Roebourne in the 1980s was that a considerable number of prisoners would come from the mining boom areas around the Burrup, but this has not proved to be the case. Roebourne was thus always in the wrong place and the manner in which it was constructed has made it the wrong prison.
- 3.45 Ideally it should be closed. It is a repressive and oppressive environment despite the best efforts of staff, the recent minor works and the patience of prisoners. A new prison, reflecting modern understanding of the cultural needs and preferences of Aboriginal prisoners, should be built for the Pilbara. To enable prisoners to be returned from the metropolitan prisons so that they are not serving sentences out-of-country, the capacity of a new prison is required to be greater than that of the present Roebourne Prison. These matters are discussed in detail in Report 30¹¹ with a suggested capacity of about 320 custodial beds needed for the region, including work camp beds.
- 3.46 The Department's present planning does not extend to a new prison in the Pilbara and it is recognised that this would be a low priority at the present time for the government. Nevertheless, it is desirable to have a clear picture of the needs established and some preliminary planning should now go ahead.
- 3.47 As again foreshadowed in Report 30, any such planning must be closely integrated with planning for enhanced and more effective community justice services in the region. In the meantime, efforts must be made to enhance the conditions at the present prison.

11 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005) 173-174.

Chapter 4

SUMMARY AND RECOMMENDATIONS

- 4.1 The purpose of this inspection was to take a snapshot of how the prison had been performing in the 14 months since the previous inspection. In broad terms there had been some real improvement. The areas of improvement have been identified above. However, in the long-term the combination of labour market pressures and staffing difficulties along with stresses upon the prisoner population will keep the prison under continuous pressure for many years to come. Successful management will require continuous attention to detail and a willingness by the Department to make investments in regime improvements.
- 4.2 The recommendations in the 2006 report stand and will continue to be assessed against the Department's announced commitments in its previous action plan. The exception to this relates, as mentioned above, to recommendations 27 and 28 which are now rescinded. They have been replaced by a recommendation that:

The Department should develop vocational skills and training programs for prisoners on-site at Roebourne Regional Prison equivalent to those that were intended to occur at the Decca Station and fund them appropriately. Decca Station should be closed.

- 4.3 The Office also draws attention again to the failure to implement recommendations 11, 12 and 13 from the 2006 report, and emphasises their importance both from the point of view of risk management and also in terms of applicable international standards. The institution of the fly-in/fly-out scheme has been crucial, and it is presumed that the Department has built this contingency into its future plans for the management of the prison. It is not necessary, therefore, to promote this to the level of a formal recommendation.
- 4.4 This short follow-up inspection should not be seen as disturbing the sequence of scheduled inspections. The fragility and vulnerability of Roebourne Regional Prison demands that the Office keep it under continuous review through liaison visits and regular formal review through inspections. The next scheduled inspection should accordingly take place no later than November/December 2009.

PHOTOGRAPHS



The shading to the barbeque area of the minimum-security male unit was still under construction for the November 2006 inspection.



At this inspection the shaded area was completed. Note the removal of rocks placed for seating and the opening up of the two day rooms adjacent to the barbeque area.

PHOTOGRAPHS



In opening up the day rooms in the minimum-security unit the Department inexplicitly and at considerable cost, enclosed the area with security fencing.



PHOTOGRAPHS



*Education donga.
Since the last inspection a number of donga style facilities had been added.*



Offender services donga – space for programs, PCS and PSO.

PHOTOGRAPHS



Difficulty recruiting and retaining staff meant that the newly built facilities were not being used.

PHOTOGRAPHS



In response to recommendations made during the last inspection, the Department erected shading to cover the outdoor visits area.



PHOTOGRAPHS



The addition of shading has proven effective, though as seen in this photo, the shading did not extend to the existing seating area.



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Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2008 RECOMMENDATIONS

Recommendation	Acceptance Level/Risk Rating/Response
<p>Rehabilitation</p> <p>The Department should develop vocational skills and training programs for prisoners on-site at Roebourne Regional Prison equivalent to those that were intended to occur at the Decca Station and fund them appropriately. Decca Station should be closed.</p>	<p>Not supported/Low</p> <p>DECCA currently provides vocational training for the mining sector as the existing infrastructure of the prison cannot support vocational training for the identified local skill shortage needs. This includes heavy machinery and bobcat, back hoe, forklift, fencing and construction skills training. Importantly, DECCA provides the skills training opportunities for Indigenous prisoners in these industrial areas and so, offers the possibility of increasing the Indigenous workforce in these areas within the Pilbara.</p> <p>With the skill shortages situation negatively impacting on the ability to attract and retain suitably qualified industrial staff and so reduce the viability of sustainable training programs within the prison, DECCA is seen as a viable alternative to complete skills training for prisoners in partnership with Pilbara TAFE.</p>

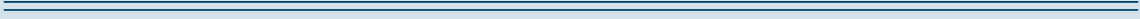


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Appendix 2

THE INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Barry Cram	Deputy Inspector
John Acres	Principal Research and Strategy Officer
Pieter Holwerda	Inspections and Research Officer



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Appendix 3

KEY DATES

Formal notification of announced inspection	6 December 2007
Start of on-site phase	15 January 2008
Completion of on-site phase	17 January 2008
Inspection exit debrief	17 January 2008
Draft Report sent to the Department of Corrective Services	12 March 2008
Draft report returned by the Department of Corrective Services	31 March 2008
Declaration of Prepared Report	2 April 2008



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