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April 2010

OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

**REPORT OF AN ANNOUNCED INSPECTION OF
HAKEA PRISON**



Report of an Announced Inspection of Hakea Prison

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The Inspector's Overview

WEATHERING THE STORM AND MOVING FORWARD

PRISONER NUMBERS AND SYSTEM GRIDLOCK

In 2006, when the prisoner population at Hakea Prison was 670, the previous Inspector described the prison as significantly overcrowded and called for a cap on the number of prisoners. From 2006 to 2008 the State's total prison population grew steadily but comparatively little new capacity was added to the system. During 2009 there was a very rapid growth in prisoner numbers, generated in part by some dramatic changes to parole practices.ⁱ

Hakea has carried a good deal of the load in terms of the State's increasing prison population. At the start of this inspection on 25 October 2009, its on-site population was 880 prisoners (an increase of over 30 per cent since the previous inspection) and moving upwards.ⁱⁱ In early December it peaked at 913. The problem of increasing numbers was intensified by the speed of the increase, most of which occurred after April 2009.

The system-wide increase in prisoner numbers during 2009 created unprecedented levels of overcrowding and gridlock. Hakea, a maximum security prison with aging infrastructure, exemplified the problems. Its primary role is to be a reception, remand and assessment facility. However, this role was being compromised by an inability to move out sentenced prisoners who had completed all assessments. Since 2006, the proportion of sentenced prisoners at the prison had increased from less than a third to almost 45 per cent and more than 200 of the sentenced prisoners were on a waiting list for transfer. Significantly, only 10 per cent of them were assessed to be maximum security and around half were minimum security. And yet they were located in overcrowded maximum security conditions.

At the time of writing this Overview, a massive expansion program is underway across the State's prison system. Some new capacity has recently been opened, notably at Pardelup and Wooroloo Prison Farms, both of which are minimum security facilities offering many positive opportunities for prisoners. These developments are very welcome and should help to reduce the extent of the gridlock, but numbers at Hakea remain very high (around 880). The government's announcement in February 2010 that Hakea will be expanded is therefore timely and significant.ⁱⁱⁱ

IMPACTS ON STAFF AND PRISONERS

The increase in the number of prisoners at Hakea between 2006 and 2009 was achieved by adding extra beds into cells that were designed for single occupancy. In 2008, my predecessor argued that 'double bunking' should not be allowed to become an acceptable norm and the Department of Corrective Services stated that it agreed with this.^{iv} Regrettably, during 2009 and 2010, double-bunking has become the norm across much of the system. And although some official policy statements refer to the double-bunking of existing cells as a 'temporary' program to meet current and projected short term demands, it seems very likely to be the reality for many years to come.

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- i On 16 April 2009, more than 1400 people were on State parole orders. On 15 April 2010 the figure was 594. The reduction is due to a smaller number of people being granted parole and a stricter approach to enforcing the conditions in parole orders.
- ii Hakea Prison typically has responsibility for another twenty or so prisoners placed either as trustys at the East Perth Watch House, or as patients at the Frankland Centre.
- iii See also below.
- iv OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No.49 (March 2008), 67.

By definition and design, most single cells are much too small for two single beds. This means that bunk beds are generally the only realistic option if cells are to be shared. However, the program for installing bunk beds has not kept pace with the increasing numbers. At Hakea, when bunk beds were not in place, the additional prisoners were sleeping on a trundle bed or on a mattress on the floor, sometimes with their heads next to a toilet bowl. Such conditions, even if they are said to be short-term measures pending the installation of bunk beds, are not acceptable.

As a result of overcrowding, many prisoners had little or no work^v and a lasting image from the inspection is of prisoners with nothing to do loitering under ‘no loitering’ signs. Waiting times for access to medical care had increased and other services such as prisoner counselling were under great pressure.

Hakea also faces a unique set of issues because of its role as a receival and remand prison. There are numerous movements in and out of the prison each day and the complexity of managing large numbers of people entering the prison system cannot be overstated. Some have mental health issues and many have substance abuse problems. In addition, during 2009, as a result of an increase in ‘people smuggling’ activities in the north of the State, the prison needed to accommodate a growing number of Indonesian prisoners. This report outlines a number of concerns about the regime that had evolved for these prisoners, a regime that was partly prompted by the pressure of numbers. Although Hakea responded positively to our concerns and has instituted some improvements for the Indonesian prisoners, some issues remain.^{vi}

People tend to think of overcrowding in terms of its impact on prisoners but the impact on staff should not be under-estimated. Staff facilities and work areas were cramped from increased numbers, staff felt under increased pressure and there had been a reduction in day to day interactions between staff and prisoners. The prison was also essentially dependent on the preparedness of uniformed staff to pick up overtime shifts or to take on some of the duties of absent colleagues.

HAKEA’S RESPONSE

Hakea Prison management and staff (and, indeed, prisoners) are to be congratulated for the way they handled the pressures. At the time of the inspection there was a very real fear amongst prisoners and staff that a serious incident would occur over the coming hot summer months. Furthermore, given heightened tension and frustrations, it was feared that a relatively minor matter could trigger such an incident. It is to everyone’s great credit that the prison kept control and that the period passed without major incident. As outlined in this Report, pragmatism and good leadership were two of the key factors.

v 43 per cent of prisoners were not working. Only 25 per cent were employed in prison workshops. 23 per cent were employed for limited hours each day as cleaners in their cell blocks. Around 8 per cent were involved in other activities such as education or peer support. Even allowing for the fact that remand prisoners are not required to work, these are very low figures: see paras 6.12 – 6.19.

vi A system-wide issue, of great importance to Muslim prisoners, is access to certified Halal food: see para 4.9 and Chapter 5.

As noted earlier, prisoner numbers at Hakea remain high and this continues to pose some risks. However, numbers have dropped back from their peak and, since the inspection, there have been improvements in a number of high risk areas such as health services. The prison has also been earmarked for significant expansion and this presents a number of positive opportunities.

REMAND PRISONERS AND HAKEA'S PROPOSED EXPANSION

Hakea is the State's primary male remand facility. Western Australian laws, in line with internationally accepted principles, state that unconvicted prisoners have additional rights to convicted prisoners. These rights ultimately reflect the presumption of innocence, the fundamental underpinning of our criminal justice system. For example, remandees should be able to communicate effectively with legal representatives, have access to adequate legal library resources, receive daily visits from family, be separated from convicted prisoners, and be treated at least as well as convicted prisoners. Unfortunately, we found many areas of shortfall in meeting these requirements and many opportunities for improvement.

During the inspection, it was announced that some 'temporary units' allowing for 640 double-bunked beds would be added to the prison system at three prisons, namely, Casuarina, Albany and Greenough.^{vii} These extra beds were in addition to other previously announced capacity increases. At the time, Hakea did not feature as a primary expansion site in any list or briefings, and the needs of remand prisoners had not been identified as a priority.

However, the inspection confirmed my view that the State needed a new remand facility. There are two reasons for this: first, to meet the needs of prisoners on remand; and, secondly, to better meet the needs of a modern, more technologically advanced legal system. The availability of prison land directly adjoining the current fence at Hakea led me to propose, at the end of the on-site phase of the inspection, that consideration be given to constructing remand-specific units on that land. I also argued that any new remand facility should include modern communication tools – not only video but also internet-based – in order to facilitate efficient and cost-effective lawyer / client contacts^{viii} and to ensure that remandees have appropriate access to legal resources.

In February 2010, the Minister announced that new units for 256 prisoners (double-bunked) will be constructed at Hakea.^{ix} In effect, this announcement means that Hakea has replaced Greenough as one of the primary expansion sites.^x My understanding is that, in line with my recommendation, the new units at Hakea are likely to be for remandees. Given the findings of this inspection, this is a very positive development, provided that appropriate infrastructure and modern technology are included.

vii *Further 640 Beds Announced for Prison System*: Media Statement, Hon C Porter MLA, Attorney General and Minister for Corrective Services, 1 November 2009.

viii All of the criminal lawyers with whom I have spoken subsequently have warmly embraced the idea of 'internet interviews' with clients provided that the right to face to face interviews was also preserved. They have suggested the number of prison visits by lawyers would be greatly reduced. This would lead to cost reductions on-site. In planning the new facility, it would therefore be valuable for the Department to hold structured consultations with lawyers.

ix *Metropolitan and regional prisons get new accommodation units*: Media Statement, Hon C Porter MLA, Attorney General and Minister for Corrective Services, 5 February 2010.

x However, the Minister's announcement also states that Greenough will have a new unit for women prisoners – a very welcome and long overdue development.

However, the decision to expand Hakea rather than Greenough does mean that the bulk of the new capacity that will be operational in the next two years will be in the metropolitan region and the south of the State. It is projected that by 2014, a new prison in Derby, a larger replacement for the Eastern Goldfields Prison and new work camp places at Wyndham and Warburton will become available. However, even when this capacity is available, it seems likely that the number of Aboriginal prisoners from these regions will exceed local capacity. Greenough should therefore remain under active consideration for future expansion as a regional hub that will allow Aboriginal prisoners to stay closer to home.

Neil Morgan
Inspector of Custodial Services
20 April 2010

Summary of Findings and Recommendations

The third announced inspection of Hakea Prison commenced on 25 October 2009 and concluded with the Inspector's Exit Debrief to prison and head office staff and management on 6 November 2009. In this Exit Debrief, the Inspector concluded that there had been 'some improvements in extremely difficult conditions, but increased fragility and risk'.^{xi}

The increased fragility and risk was due to the significant overcrowding of Hakea Prison. At the previous inspection of Hakea Prison in 2006, the then Inspector described the prison as significantly overcrowded. Then the prisoner population was 670. During the 2009 inspection of Hakea Prison, the prisoner population at Hakea Prison peaked at over 900.

In the tradition of third round inspections, this inspection of Hakea Prison assumed a thematic approach. The overarching theme was overcrowding, which had reached unprecedented proportions across the entire Western Australian prison system.

Another key focus of the inspection was the status of the remand population at Hakea Prison. The inspection found that there was a large contingent of sentenced prisoners at Hakea Prison despite the prison's primary function as a remand and assessment prison. The reason for this was the overcrowded conditions in other prisons across Western Australia. Those prisoners who had been sentenced and assessed in relation to their security rating and recommended an appropriate placement at another facility were literally stuck at Hakea Prison because there was no space for them at the other facilities.

This bottleneck of sentenced prisoners added to the already overcrowded situation at Hakea Prison as well as upset the balance between sentenced and unsentenced prisoners – at the time of the inspection in October 2009 sentenced prisoners comprised almost half of the prisoner population at Hakea Prison. This caused the inspection team to question whether the specific and urgent needs, legal expectations and entitlements of remand prisoners were being adequately met. Indeed, the inspection found that a consequence of this 'clogging up' of sentenced prisoners at Hakea was a 'one size fits all' approach to services for prisoners and that subsequently the specific needs of the remand population at Hakea Prison were being neglected. This was the context for the first and most significant recommendation.

Recommendation 1

i. A separate remand facility should be constructed in the metropolitan area to better meet the specific needs of the remand population in Western Australia. A range of options should be considered, including expansion of the Hakea site.

ii. There should be consultations with the legal profession and other relevant stakeholders to determine the feasibility and optimal use of modern communications technology in the new facility.

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

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The inspection found that morale amongst staff was relatively good considering their difficult working conditions given the overcrowding. Hakea has always had a complex staffing group, the origins of which date back to when the two prisons were combined some ten years ago.^{xii} At this inspection, however, the divisions between the two groups of staff did not present as profoundly as at previous inspections, and a more cohesive uniformed group seemed to be in place.

The Inspectorate is of the opinion that the Senior officer group at Hakea, which plays a pivotal role in the guidance and leadership of the operational staff, should be included in any change management processes that prison administration may engage in to assist them to manage the overcrowding. Senior Officers at Hakea understand the operational realities and pressures officers face and generally have respect from fellow officers, and it is therefore at this level that innovative changes to practices and processes can be implemented to make the working environment better for staff and living conditions better for prisoners.

Recommendation 2

Senior Officers and prison administration should establish a joint committee as agents for change working together to develop and implement strategies to manage the increasing prisoner population at Hakea Prison.

Hakea Prison is a complex environment. Staff need to be adequately trained and frequently provided with opportunities to update their training in order to effectively manage this complex environment. The inspection found that the amount and type of training available to Hakea Prison staff was inadequate. Whilst training in use of force techniques was mostly keeping to schedule and permitting most staff to be qualified in the basic essential areas of CPR, batons and Breathing Apparatus (BA), training in other areas of service delivery was lacking, including the specific needs of remand prisoners and training for the VSOs and public service staff. The paucity of training opportunities was due to the following factors:

- The availability of trainers – with only one Senior Officer and one satellite training officer (who was due to leave the prison and no replacement had been organised) the training program could barely keep up with the site’s overall training needs.
- While staff were supposed to be able to access additional training at the Academy, they reported that they were often not able to be released to attend due to the shortage of staff at the prison and the pressure to limit the use of overtime as much as possible.
- The budget available for additional training was extremely limited and staff were very dissatisfied with their access to other training opportunities.

Recommendation 3

Additional resources should be made available to enhance the staff training program at Hakea Prison. Further, given the primary functions of Hakea Prison as a remand and assessment centre, remand-specific training should be prioritised within the staff training program and made compulsory for all staff.

xii The Canning Vale Prison and the CW Campbell Remand Centre were merged in a \$26 million capital works project to become Hakea Prison in November 2000.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The inspection uncovered a remarkable anomaly with regard to the processes involved in allocating funds relative to the prisoner population. For the 2009/2010 financial year, for example, the prison was funded for a prisoner population that it exceeded before the financial year had even commenced. The Department operates on a system where the prison must apply for supplemental funding after the fact for the prisoners in excess of the number that it was allocated, meaning it carries debt from the beginning. This funding is not, in effect, ‘supplementary’ but should more accurately be referred to as essential funds that are outstanding. The Inspectorate questions how the Superintendent can be expected to properly manage a facility that is under-funded to begin with.

Recommendation 4

The Department needs to reassess its method of allocation of population estimates for budget purposes.

The working environment of Hakea Prison is complex. It supports over 300 staff and a variety of workplaces, including heavy industries (concrete products, metalwork), working with chemicals (paint shop, cleaning), working outdoors (gardens) and warehousing (property store). Maintaining a safe working environment for the staff who work in these various areas is crucial.

The Inspectorate engaged the services of two Worksafe representatives to assist in inspecting occupational safety and health matters at Hakea Prison. In this regard, the Worksafe representatives identified three areas for improvement which they documented in a separate report that was provided to prison management and head office shortly after the on site inspection.

Recommendation 5

The Department must ensure there is a robust and effective occupational safety and health system at Hakea, as required by legislation. In doing so, it must take full account of the findings contained in the Worksafe report that was provided following the inspection.

Religious diets can be requested by prisoners at Hakea. Whilst such diets exclude pork and include other modifications as appropriate, no certified Halal or Kosher meat is provided, even though there are a significant number of Indonesian Muslim prisoners at Hakea. This raises some potential legal issues in the light of the settlement reached in 2006 between convicted terrorist Jack Roche and the Department over failure to provide Halal food at Hakea and a precedent established by a prisoner in the Queensland Supreme Court over a similar matter.^{xiii} All prisons potentially face similar issues, but Hakea as the receiving prison is most likely to be confronted with such issues in the first instance.

Recommendation 6

The Department must proactively pursue a greater understanding of religious diets using the community standard as a baseline.

xiii See *State of Queensland v Mahommed* [2007] QSC 18; Thomas, Hedley: Muslim jail-diet ruling may open floodgates, *The Australian*, February 12, 2007 (<http://www.theaustralian.com.au>).

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The inspection found that new arrivals to Hakea were not given a new set of underwear or other clothing on admission, but rather had to wear 'recycled' underwear and socks that had been previously worn by other prisoners. The reason given was budgetary. Whilst new underwear and socks may be purchased through the canteen, these need to be sent to the laundry to be 'tagged' for identification purposes and thus it may take some days after admission before prisoners can actually wear their non-second hand socks and underwear that they purchased from the canteen.

If prisoners are not allowed to wear the socks and underwear in which they arrived, then as a matter of human dignity, they should be issued with a new pair of underwear and a new pair of socks which they can hand-wash and retain until able to purchase such items from the canteen.

Recommendation 7

In the interests of human dignity, hygiene and disease control, all prisoners at Hakea Prison should be issued with a new set of underwear and socks on admission, and rigorous systems must be in place to ensure that these are returned to the same prisoners when they are sent away for laundering.

The gymnasium and other recreational opportunities for prisoners at Hakea Prison were found to be inadequate. This was primarily due to the overcrowding. Prison management acknowledged that recreation for prisoners at Hakea was under-resourced and had submitted a business case for the establishment of a central facilities building which would increase the recreational resources available to the increasing prisoner population. Recommendation eight below urges the department to fast track this business case for a central facilities building and it is pleasing to report that this recommendation is being progressed already at the time of writing this Report.

Recommendation 8

The Department should fast track the processes involved in progressing the central facilities building project.

Offenders enter the prison system with a network of social and familial connections. It is vital that the impact of incarceration on prisoners' outside relationships is minimised, and that these connections are maintained and nurtured despite the prison environment.

The inspection found that the overcrowding at Hakea Prison was impacting on prisoners' capacity to maintain these external connections because of the increased demand on the available visits sessions. There are four, one-hour visits sessions, seven days a week. The first session is at 8.30am and the last visits session is at 2.30pm. These visiting times are restrictive and do not provide for those visitors who work or attend school and who cannot therefore visit in the middle of a week day. Consequently, there was a disproportionate demand for visits on weekends and, at the time of the inspection in October 2009, these were booked out a couple of weeks in advance.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Recommendation 9

Hakea Prison should implement a more family-friendly approach to social visits.

Hakea has commenced the use of Skype for social visit purposes. Whilst this is commendable, and is in line with recommendations this Office has made in other inspection reports,^{xiv} use of this facility is limited at Hakea.

Recommendation 10

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

The previous inspection of Hakea Prison identified chronic problems with the management of the health service at Hakea, including interpersonal problems within the centre and a range of service delivery problems. The report of that inspection included a recommendation that these chronic problems be addressed 'as a matter of the utmost urgency'.^{xv}

Unfortunately, the findings of the recent inspection of Hakea Prison in relation to health services reiterated those of the 2006 inspection. The latest inspection found an under-resourced and dissatisfied staffing component working within a disorganised and overly complicated administrative system which severely impacted on prisoners' access to the prison's health service. These findings led to the following three recommendations for improving the health service at Hakea Prison.

Recommendation 11

That health services ensure that all self-referring patients at Hakea are assessed in person or by phone within 24 hours for prioritisation of treatment and given an appointment to see a clinician. A patient presenting to unit staff with a high degree of discomfort, should be able to attend at the medical centre directly, as if to a hospital.

Recommendation 12

Decisive action must be taken to engage all staff in change management processes and efforts made to improve the staff culture in the Hakea Health Centre.

Recommendation 13

The nurse manager and business manager positions must be substantively filled and these must be located on site at Hakea Prison.

xiv See OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008).

xv OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 59. Earlier reports, *Report of an Announced Inspection of Hakea Prison*, Report No 12 (March 2002) and *The Diminishing Quality of Prison Life: Deaths at Hakea Prison 2001-2003*, Report No. 22 (March 2004), had also raised concerns about health services at Hakea.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

At the time of the inspection in October 2009 there were 184 foreign national prisoners at Hakea Prison. Indonesian prisoners comprised the largest proportion of this group of foreign nationals. In the months preceding the inspection of Hakea, the Office had become increasingly concerned about the management of Indonesian prisoners through our liaison process and the Independent Visitors Scheme. The inspection provided a good opportunity to comprehensively investigate the situation of the Indonesian prisoners at Hakea Prison.

The inspection found a haphazard approach to managing this cohort of prisoners. There was no overall strategy within which these prisoners were being managed. The goodwill of other prisoners, management by staff and the fact that they were accommodated together with other Indonesians were the primary drivers in managing this compliant group.

The recommendations relating to foreign nationals at Hakea Prison, therefore, emphasise the urgent need for the Department to invest commitment and resources into developing a comprehensive strategy for managing these individuals in Western Australian prisons.

Recommendation 14

Hakea Prison must ensure that the day to day requirements of the Indonesian prisoners (and other specific groups) are met, such as access to appropriate food (see Recommendation 6), improved communication, and provision of all the necessities for religious practice.

Recommendation 15

The Department must develop and implement clear standards with regard to the management of foreign nationals within the Western Australian prison system.

In relation to findings from the previous inspection regarding the paucity of services for the Aboriginal prisoners at Hakea Prison, the prison committed to establishing an Indigenous Services Committee to drive the development and provision of services to meet the diverse needs of Aboriginal prisoners at Hakea Prison. The recent inspection found that, whilst this Committee did exist and was functioning, there was still a gap in services specific to the Aboriginal prisoner population. Hakea Prison management did acknowledge during the inspection that this Indigenous Services Committee has lacked focus and direction and that a strategic approach to planning and delivering services to Aboriginal prisoners at Hakea Prison is lacking.

Recommendation 16

Hakea Prison must reinvigorate the Indigenous Services Committee whose first task should be to develop a detailed strategy for managing both in and out of country Aboriginal prisoners.

Prisoner intervention strategies such as education, employment and programs are a crucial element of any successful correctional system. These services contribute to the achievement of correctional objectives in two ways. Firstly, they provide prisoners with meaningful activity to occupy them during the day. Secondly, these interventions contribute to the personal development of prisoners, providing them with skills and experience that will help them to refrain from re-offending following release. Typically prisoners who are constructively engaged for most of the prison day are easier to manage.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The inspection team observed that, while a structured day regime was ostensibly in place, the majority of prisoners did not have their days filled with planned activities and instead led a largely aimless existence. There were large numbers of prisoners sitting around the units on a daily basis with nothing to do, and prisoners complained that they were bored.

It must be acknowledged that local management are committed to and working towards a more meaningful structured day, but at present the prison's shortfall in employment opportunities and limited capacity to facilitate recreational activities is undermining these efforts. As the Inspector stated in his debrief, 'prisoners at Hakea seem to have a routine of some sort but they really don't have a purposeful structured day'.^{xvi}

Recommendation 17

The Department should support the creation of one additional full-time equivalent position to drive the development and implementation of a meaningful constructive day system at Hakea Prison.

xvi Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

Fact Page

NAME OF FACILITY

Hakea Prison

ROLE OF FACILITY

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

LOCATION

Located on Nicholson Road, Canning Vale, Hakea Prison is situated 19 kilometres south of Perth.

BRIEF HISTORY

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

ORIGINAL DESIGN CAPACITY

617

MODIFIED CAPACITY (AS AT THE TIME OF THE INSPECTION IN OCTOBER 2009)^{xvii}

897

NUMBER OF PRISONERS HELD ON-SITE (AS AT 11:59PM, 31 OCTOBER 2009 – THE MID-POINT OF THE ON-SITE INSPECTION)

903

LAST INSPECTION

1 – 11 October 2006

DESCRIPTION OF RESIDENTIAL UNITS

Unit 1 – Management Unit.

Units 2, 3 and 4 – General accommodation units.

Unit 5 – Self-care Unit.

Unit 6 – Protection Unit.

Unit 7 – Induction Unit.

Unit 8 – General accommodation unit which houses many of the SAMS prisoners.^{xviii}

Unit 9 – Methadone and general accommodation unit.

Unit 10 – General accommodation unit.

xvii The modified design capacity was being implemented through the installation of double bunks across the Hakea Prison site.

xviii SAMS refers to the “Support and Monitoring System”.



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Chapter 1

AN OVERCROWDED ENVIRONMENT

HAKEA, THEN AND NOW

- 1.1 The headline statement in 2006 by the then Inspector of Custodial Services, Professor Richard Harding, in relation to Hakea Prison was ‘Some improvement at Hakea in difficult conditions, but some fragility remains’.¹ Three years on in 2009, the current Inspector of Custodial Services, Professor Neil Morgan, added considerable urgency to this headline statement by describing Hakea’s progress as ‘Some improvements in *extremely difficult conditions, but increased fragility and risk*’.²
- 1.2 The urgency has arisen as a result of the significant overcrowding within Hakea Prison. In 2006 the Inspector described the prison as significantly overcrowded. Then the prisoner population was 670. On Sunday 25 October 2009 (the day before the official start of the third inspection of Hakea Prison) the prisoner population at Hakea Prison numbered 882. It subsequently peaked at over 900. In other words, it had increased by around 25 per cent since the last inspection. As shown by tables later in this Report, 2009 saw a particularly rapid increase.
- 1.3 In the light of these unprecedented levels of overcrowding, the Inspector congratulated staff, management and prisoners for their tolerance and management of this situation – ‘you have done a good job in extremely difficult times’.³ This was the overall finding of this inspection and is the framework within which the overcrowding story told in this report should be considered.

A THEMATIC APPROACH

- 1.4 In the tradition of third round inspections, this inspection of Hakea Prison assumed a thematic approach. The overarching theme was overcrowding, which had reached unprecedented proportions across the entire Western Australian prison system. Hakea Prison, being the primary receiptal prison for the state, was bearing much of the brunt of the state-wide overcrowding. The impact of the overcrowding on the remand prisoner population at Hakea Prison was also a primary inspection theme.
- 1.5 The inspection exposed the pervasive impact of overcrowding at Hakea Prison. The inspection findings presented in this Report explore the consequences for staff, prisoners and the infrastructure of the prison.
- 1.6 The inspection team was large and comprised 20 members. This included a range of expert advisors from different agencies (see Appendix three of this Report). Not all 20 team members were on site every day during the inspection. The experts attended for as long as they needed, usually one or two days. Due to the size and complexity of Hakea Prison, the on site inspection period was two weeks. The Inspector presented his exit debrief to head office and prison management and staff on Friday 6 November 2009.

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

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

3 Ibid.

- 1.7 The Office commonly undertakes pre-inspection staff and prisoner survey work. This was replaced by a series of staff and prisoner focus groups for this inspection. The prison's liaison officer for this inspection was most accommodating in arranging these groups over a six-day period, six weeks before the commencement of the on-site phase. Staff (custodial and non-custodial) and prisoners were given many opportunities to engage with the Inspectorate over these six days. The focus group discussions were facilitated using a semi-structured schedule which had as a focus the overcrowding and the effect of this on the lives and work of the participants.
- 1.8 The analysis of the focus group discussions revealed findings consistent with those uncovered during the on-site inspection. The focus groups therefore provided a valuable source of evidence against which inspection findings could be verified. These findings have been incorporated into the overall inspection findings that are presented in this Report.

THE REALITY OF OVERCROWDING

- 1.9 The 2006 inspection of Hakea Prison revealed an increased operating capacity of the prison from 617 prisoners to 665 prisoners through the use of double-bunking.⁴ This capacity had increased to 816 by October 2009.⁵ The figure appeared to be a moving feast, however, as prison management had been negotiating with the Western Australian Prison Officers Union (WAPOU) shortly before the inspection in October 2009 to increase the prisoner population to 897.⁶ By the middle of the inspection (11:59 pm on 31 October 2009) the population reached 921 including 903 accommodated on-site.
- 1.10 The continual increase in the design capacity of the prison has not been accompanied by any significant improvements in the infrastructure of the prison that would alleviate the impact of overcrowding. At the time of the inspection, 274 cells had been approved to accommodate two prisoners. Not all of these, however, had been converted to double-bunks and the prison was engaged in an aggressive program of constructing and installing double-bunks in these cells. Other than these minor works, the accommodation infrastructure at Hakea Prison was the same in 2009 as it had been when the prison was last inspected in 2006.

4 Inspection evidence obtained during the 2006 inspection of Hakea Prison.

5 Department of Corrective Services, Offender Population – State (as at 2 October 2009).

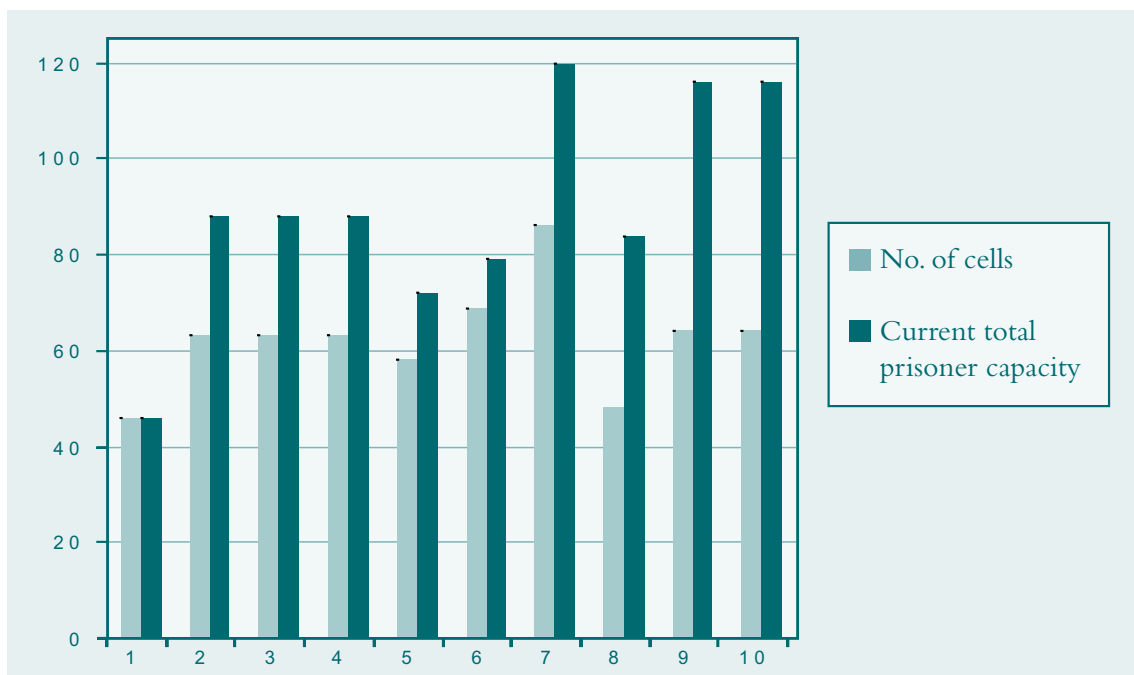
6 Discussion with the Superintendent during pre-inspection liaison visits.

AN OVERCROWDED ENVIRONMENT

1.11 The table below provides a unit by unit breakdown of the prisoner numbers at Hakea and illustrates the reality of overcrowding.⁷

Unit	Number of Cells	Single Cells	Double Cells	Current Total Prisoner Capacity	Unit Designation
1	46	46	0	46	<i>Punishment</i>
2	63	38	25	88	
3	63	38	25	88	
4	63	38	25	88	
5	58	44	14	72	<i>Self care</i>
6	69	59	10	79	Protection
7	85	52	34	120	Induction
8	48	12	36	84	SAMS
9	64	12	52	116	
10	64	12	52	116	
	623	351	274	897	

1.12 The numbers in italic represent units and cells located on the west side of the prison. The units on the west side are older and the cells in these units are smaller than the units and cells located on the east side of the prison (the numbers in black). It may be noted that although over 50 per cent of Hakea’s prisoners are on remand, there is no separate designation of remand units.



7 The capacity total as indicated in this table is 897, the number agreed through negotiations between prison management, DCS head office and WAPOU. These figures were provided to the inspection team in hard copy form and had been signed off by the Superintendent as at 28 October 2009.

- 1.13 There are 515 prisoners accommodated in units on the east side but only 331 cells, a 56 per cent overcrowding discrepancy. The west side of the prison contains 382 prisoners in 293 cells, a 30 per cent discrepancy. The graphic illustration above presents another view of the overcrowded situation at Hakea, based on the figures provided in the table above.
- 1.14 One officer commented during the inspection that ‘we don’t manage prisoners anymore, we manage musters’. This was reflected in the fact that some prisoners had to sleep on mattresses on the floor with their heads inches from the toilet bowl. At the time of the inspection in October 2009, 22 prisoners across the site were sleeping in these conditions. The prison was in the process of building and installing bunk beds in cells across the prison to alleviate the need for people to sleep on the floor but the program was not keeping up with the rapid increase in the population. After the inspection in October 2009 the population at Hakea Prison exceeded the approved bed capacity of 897 with the result that more prisoners were sleeping in such conditions.
- 1.15 In 2006 this Office recommended that a population cap of 600 be applied to Hakea Prison. Whilst the Department supported this recommendation ‘in principle’, they also stated that ...⁸
- The Department is not able to establish ‘caps’ on prisoner populations in any prison. The preference is to monitor and manage the prisoner population on a state-wide basis, addressing the prisoner population pressures on all facilities and ensuring no one facility bears the pressure excessively. To this extent, the Superintendent Prison Operations works with the Assessment Teams at Hakea, Casuarina and other prisons to ensure a balanced management of the prisoner population issues across the state. To minimise the effects of overcrowding, the Superintendent regularly reviews the regimes and practices and operation of the prison such that compensatory measures are developed and implemented.
- 1.16 The current overcrowding across the entire Western Australian prison system makes comments about ensuring a ‘balanced management of the prisoner population issues across the state’ sound fanciful.

8 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 81.

THE HAKEA BOTTLENECK

1.17 The table below provides a timeline snapshot of the growth in prisoner numbers at Hakea Prison since September 2006.⁹ The growth in the latter half of 2009 was particularly dramatic: from 2007 to mid-2009, the population had generally been between 720 and 750. As noted earlier, it was over 900 by December 2009.

Date	Remand No.	Remand %	Sentenced No.	Sentenced %	Other	Total
26/10/2009	483	55.0%	392	44.6%	3	878
30/09/2009	496	58.1%	355	41.6%	2	853
30/06/2009	461	60.0%	306	39.8%	1	768
31/03/2009	477	63.8%	270	36.1%	1	748
31/12/2008	389	52.8%	348	47.2%	0	737
30/09/2008	503	69.6%	219	30.3%	1	722
30/06/2008	511	72.3%	196	27.7%	0	707
31/03/2008	563	75.8%	180	24.2%	0	743
31/12/2007	456	64.9%	247	35.1%	0	703
30/09/2007	503	66.8%	250	33.2%	0	753
30/06/2007	511	70.0%	219	30.0%	0	730
31/03/2007	459	71.1%	187	28.9%	0	646
31/12/2006	424	67.3%	206	32.7%	0	630
30/09/2006	434	65.8%	226	34.2%	0	660

1.18 This table also shows the proportion of remandees at Hakea and the proportion of sentenced prisoners over this period. It is important to note that over the three year inspection period (2006 – 2009), the percentage of persons on remand has decreased from over 65 per cent to 55 per cent. The percentage of sentenced prisoners has increased over this time from a third (or less) to over 44 per cent.

1.19 As the State’s primary remand and assessment centre, Hakea is the metropolitan receiveal centre both for persons remanded in custody and persons newly sentenced by the courts. The assessment process for those newly sentenced is expected to be completed within four weeks. As part of this an assessment is made as to their future placement based on their assessed security rating, the availability of required programs, and other considerations as determined in the assessment process. In other words, sentenced prisoners should only expect a short stay at Hakea. The purpose of their time here is to be assessed and once this has occurred they should be transferred to another facility. The numbers of sentenced prisoners at Hakea should be kept to a minimum to free up space for the constant influx of remandees. However, in recent months the percentage of sentenced prisoners at Hakea has steadily increased and was up to 44.8 per cent at the start of the inspection in October 2009.

⁹ TOMS Custom Data Extraction. Note – ‘Sentenced’ includes ‘Appellant’ status.

- 1.20 The inspection found that the current overcrowding across the entire prison system in WA is to blame for the bottleneck of sentenced prisoners clogging up bed space at Hakea Prison. The inspection also found that the assessments system at Hakea was working well – there had been an increase in assessment personnel and case load numbers had actually decreased in recent months which had increased the flow of prisoners through the assessments process. In summary, sentenced prisoners at Hakea Prison were being assessed and assigned for transfer to another facility within the required timeframe. The problem was that there was nowhere to transfer them because of a lack of space in other prisons. This reflects, to a significant extent, a tightening up of Prisoners Review Board practices.
- 1.21 The following table shows the numbers of prisoners at Hakea who had been approved for transfer to other facilities at commencement of the inspection. In all there were 194 approved for transfer, including 83 to minimum security facilities and 88 to medium security facilities.¹⁰

Prison to be Sent	Number Approved	Maximum Facilities	Medium Facilities	Minimum Facilities
Acacia	71	-	71	-
Albany	2	2	-	-
Broome	0	-	-	-
Bunbury	16	-	16	-
Casuarina	21	21	-	-
Eastern Goldfields	0	-	-	-
Greenough	1	-	1	-
Karnet	25	-	-	25
Roebourne	0	-	-	-
Wooroloo	58	-	-	58
Total:	194	23	88	83

- 1.22 The bottleneck does not only apply to Hakea Prison. The Director Assessments informed the inspection team that another 197 prisoners at Casuarina (also a maximum security facility) had been approved for transfer to medium or minimum security prisons. Many others at Acacia (medium security) were also waiting for transfer to minimum security facilities. It appears that prisoners from regions have increasingly little prospect of being transferred back to their regional facility. The system of progression through facilities according to each person’s Individual Management Plan is effectively gridlocked.
- 1.23 The fact that the number of new remandees had declined in the months leading up to the inspection illustrates that the inability to transfer sentenced prisoners was the main factor in the escalation of prisoner numbers at Hakea Prison. The inability to transfer suitably assessed prisoners to other facilities is not only a cause of overcrowding at Hakea but has also led to a significant change in the balance between sentenced and remand prisoners.

10 TOMS Report: Transfer Waiting List – Facility - as at 26/10/09.

Chapter 2

THE IMPACT ON REMAND PRISONERS

ACCEPTED PRINCIPLES

- 2.1 Issues affecting remand prisoners at Hakea were a key inspection focus. As highlighted in the previous chapter, the bottleneck of sentenced prisoners at the prison has affected not only the level of overcrowding at Hakea but also the balance between sentenced and unsentenced prisoners. This situation led the inspection team to consider whether the specific needs, legal expectations and entitlements of remand prisoners were being adequately met.
- 2.2 There are a range of policies, standards and legislative requirements pertaining to the rights of persons remanded into custody. Part VI of the *Prisons Regulations 1982* includes the following provisions:
- Daily visits for remand prisoners (regulation 56);
 - Separation, as far as practicable and where the interests of security permit, from sentenced prisoners (regulation 57); and
 - The opportunity to wear their own clothing, subject to the interests of prison security (regulation 60).
- 2.3 The Standard Guidelines for Corrections in Australia¹¹ to which all States and Territories are signatories, incorporate the following instructions for managing remandees:
- The treatment of remanded persons should not be less favourable than that of sentenced prisoners; and
 - Those remand prisoners with legal matters pending must be able to communicate with their legal representatives and have access to legal library resources.
- 2.4 Similarly, the Inspectorate's Code of Inspection Standards includes the following principles:
- Remandees are entitled to the presumption of innocence and a regime that reflects this;
 - Assistance with court preparation; and
 - Assistance with meeting any bail conditions that may have been set.
- 2.5 All of these principles indicate that the management of persons on remand should be qualitatively different to the management of sentenced prisoners. The 2009 inspection of Hakea found that this was not the case.

THE REALITIES FOR REMAND PRISONERS AT HAKEA PRISON

- 2.6 The previous chapter charted the change over time of the prisoner profile at Hakea. It shows a steady and rapid increase in the number of sentenced prisoners at Hakea, to the point that by the time of the inspection in October 2009 sentenced prisoners comprised almost half of the prisoner population at Hakea. Hakea is supposed to be the State's primary remand centre. But with almost as many sentenced prisoners as remandees, it was important to consider whether the specific and urgent needs of the remand population at Hakea were being satisfied. Unfortunately, the consequence of the high number of sentenced prisoners clogging up space at Hakea is a 'one size fits all' approach to services for prisoners, with the result that differences between the two groups tend to erode.

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

- 2.7 This section provides evidence that currently Hakea falls short of complying with many of the accepted principles for managing a remand population which were described above. In the Inspector's words, 'the realities at Hakea do not match up very well with the various principles'.¹²

Less Favourable Treatment than Sentenced Prisoners

- 2.8 The conditions at Hakea, exacerbated by overcrowding, mean that remanded persons experience less favourable treatment than sentenced prisoners at many other prisons. Consider, for example, Acacia Prison – a medium security prison for sentenced prisoners. Sentenced prisoners at Acacia Prison experience far more favourable conditions than the remandees at Hakea have to tolerate. The cells at Acacia are larger so the impact of the double-bunking in these cells is less extreme than in the smaller Hakea cells. The pro-social philosophy of Acacia Prison is more noticeable than at Hakea. This philosophy encourages positive interactive relationships between prisoners and between staff and prisoners. At Hakea, officers admitted that their capacity for meaningful and respectful interaction with prisoners was compromised due to overcrowding.¹³ Acacia also actively encourages the maintenance of prisoners' social and family connections, and provides opportunities for 'family days' where prisoners can interact freely with their friends and family within the prison grounds. These opportunities are not provided to the same extent to any prisoners at Hakea Prison. All in all, the remanded persons at Hakea Prison undoubtedly experience less favourable treatment and living environments than sentenced prisoners at other prisons.

Separation from Sentenced Prisoners

- 2.9 Despite the terms of the *Prisons Regulations 1982*, it cannot be said at Hakea that there is separation between remanded and sentenced prisoners. It can be argued that the Department is complying with the technical *letter* of the law in the sense that Regulation 57 requires separation only 'as far as practicable and where the interests of security permit'. Separation at Hakea, as it is currently administered, is obviously impracticable. But there is certainly not compliance with the *spirit* of the regulation: the real purpose of Regulation 57 was to acknowledge that *on occasions* separation may be impracticable – it did not contemplate the system being set up in such a way that separation is entirely impracticable.

Clothing and Visits

- 2.10 Regulation 60 gives remand prisoners the right to wear their own clothing subject to security considerations.¹⁴ Remand prisoners at Hakea are not allowed to wear their own clothes. Thus, whilst there is room to debate the merits of the policy embodied in Regulation 60, the fact is that the Regulations start from a principle that is simply ignored.
- 2.11 Hakea is the State's largest remand and receiptal prison. Regulation 56 of the *Prisons Regulations 1982* states that a remand prisoner may receive daily visits from friends and/or family. Prison management acknowledged, however, that, in these overcrowded times, Hakea Prison was nowhere near able to meet this statutory requirement. Based upon current population

12 Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

13 See the section on complaints and grievances in Chapter three.

14 *Prisons Regulations 1982*.

levels and prisoner status, if all prisoners were to take up their entitlements of one visit per day for remandees and one visit per week for sentenced prisoners, there would be a shortfall of over 3000 visits per week.¹⁵

Bail Coordination Strategy

- 2.12 An effective bail strategy is one mechanism whereby the number of persons held in custody unnecessarily can be minimised. Indeed, the Department of Corrective Services has a responsibility to ensure that persons remanded into prison custody have access to services and resources to assist them to move through the prison system as quickly as possible. The opportunity to apply for bail and to meet the conditions for bail set by the courts is one of these services.
- 2.13 Both previous inspections of Hakea Prison (2002 and 2006) found high numbers of persons remanded into custody at Hakea despite having been granted bail by the courts. In the 2006 inspection this Office expressed concern that bail services at Hakea were under-resourced. This led to a recommendation for a review of bail and remand systems across the state to reduce the unnecessary imprisonment of unconvicted offenders.¹⁶
- 2.14 In 2006 we were particularly concerned at the number of prisoners being transferred to Hakea from courts with bail and who were released within hours or days of arrival. Hakea staff were frustrated that these offenders were not being released directly from court as court custody centre staff would not hold them pending the arrival of sureties. To its credit, the Department acted decisively, increasing the resources available to bail facilitation and coordination. A Bail Coordination Strategy was developed which resulted in the placement of bail coordinators within the courts, the transfer of the Hakea based bail coordinators to Community Justice and an increase in staff numbers. These solutions have had a significant impact on the number of remand prisoners who remain at Hakea despite having bail set, such that the current number is half of what it was in 2006. This is a good news story in terms of efficiency and the position of accused persons.

Managing One's Own Defence

- 2.15 The Inspectorate's Code of Inspection Standards requires that '[P]risoners with legal matters pending should have access to a library of law resources at all times during the normal prison day, as is required under law. Such resources should be regularly updated'.¹⁷ In 2006 the inspection team found that 'the resources available were inadequate and out of date'.¹⁸ The report of that inspection also stated that¹⁹

[A]s a remand facility it is essential that criminal law, family law and federal law materials be current and extensive. The quality and quantity of resources available at the time of the inspection could have jeopardised the ability of

15 Figures provided by the Superintendent at his briefing to the OICS team on the first day of the on-site phase of this announced inspection (26 October 2009).

16 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 53.

17 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 54.2.

18 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 58.

19 Ibid.

self-represented defendants to properly prepare their case and the Department must commit some resources to this end.

- 2.16 These findings resulted in a recommendation that the Department improve the resources available in the legal library and also ensure that access to the library is available to unconvicted or appeal class prisoners at all times during the normal prison day.²⁰ The 2009 inspection found that there had been little improvement to the legal library and no real progress against this recommendation.
- 2.17 Library access by prisoners is constrained by security and overcrowding considerations. The library is inadequate for 700 prisoners let alone the current overcrowded figure of around 900. Given Hakea's role as the State's primary remand facility, there is an impoverished law book collection. Some of the books are out of date and they are limited in scope. The law reports collection is very poor. This would not particularly matter if online access was available but it is not. There is a wealth of material available electronically these days, much of it free to the general public. There seems to be no good reason why limited access to selected sites could not be allowed.
- 2.18 The Library Officer is a Vocational Support Officer who has been acting in this position for some time. The Library Officer is well-liked by prisoners and works hard to assist prisoners with their inquiries. However, the position is under-resourced and the products available to work with are confused and outdated. A proposal, submitted by prison management, for the Library Officer position to be reclassified to a higher level was rejected by head office. This proposal should be revisited.

WHERE TO FROM HERE?

- 2.19 The core 2009 inspection finding in relation to the distinct needs of remand prisoners was that Hakea is falling short in its primary function of managing a remand prisoner population. Whilst increased overcrowding had some responsibility for this, our findings mirrored those that emerged during the 2006 inspection, when the prison was much less overcrowded. The deficiencies in the legal resources available to this population as described above is but one example of a finding that was consistent across the two latest inspections, and which indicated the inability of the prison to target and improve its services to this population.
- 2.20 In 2006, the then Inspector of Custodial Services concluded that unsentenced people in custody and newly sentenced offenders are a closely associated cohort and that 'these two groups do not have antagonistic interests and could be managed as one homogenous population'.²¹ However, the current Inspector, in his exit debrief following the completion of the 2009 inspection commented that 'so much has changed since 2006 that it is no longer clear that the remand and the sentenced prisoner populations can be adequately managed together'.²²

20 Ibid.

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

22 Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

- 2.21 During the 2009 exit debrief, the Inspector also noted that there appeared to be scope to expand the existing Hakea site as part of the State's medium to long term program to expand prison capacity State-wide. He suggested that this option should be actively explored and that if Hakea was to be expanded, attention should be given to meeting the needs of specific groups of prisoners (including remand prisoners) not just to the provision of more beds and other infrastructure.
- 2.22 Building on the findings of this chapter in relation to electronic legal resources and the findings of subsequent chapters with respect to video link court hearings, access to lawyers and internet-based 'visits', the Inspector also suggested that there would be many potential benefits from building in modern technology from the outset and to expanding its use. For example, it is quite conceivable, in technological terms, for lawyers based in their offices to conduct at least some client interviews by internet links such as Skype. Subsequent to the on-site inspection period, the Inspector spoke with a number of criminal lawyers in Perth, all of whom expressed strong support for this idea, provided confidentiality is assured and personal visits continue when necessary. Some suggested that their visits to prisons could be reduced by between 50 per cent and 80 per cent. If so, there would be considerable efficiencies across the system and potential cost savings for prisons.

Recommendation 1

- i. A separate remand facility should be constructed in the metropolitan area to better meet the specific needs of the remand population in Western Australia. A range of options should be considered, including expansion of the Hakea site.*
- ii. There should be consultations with the legal profession and other relevant stakeholders to determine the feasibility and optimal use of modern communications technology in the new facility.*

Chapter 3

CUSTODIAL INFRASTRUCTURE AND PROCESSES

WEATHERING THE STORM

Hakea Infrastructure and Expansion Plans

- 3.1 More than 850 prisoners are currently accommodated within Hakea's 623 standard and 23 special purpose cells. Most of the supporting infrastructure such as workshops, education facilities, recreational facilities, visit areas, and basic services such as telephones and waste water were designed and constructed for a prison population a half to two thirds smaller than the current size. The education facility has a maximum capacity of 70 prisoners at any one time. The gymnasium has not increased in size and is entirely inadequate to service the recreational needs of a population of around 900 prisoners. More recent infrastructure that has been constructed since the merging of the two prisons, such as the visits centre²³ and the health centre, is also struggling to meet the increased demands from the expanded population.
- 3.2 Shortly before the commencement of the on-site inspection, new demountable office accommodation had been erected to accommodate additional assessments staff, although this was not in use at the time of the inspection. Work was also almost completed on an extension to the reception area and property store which would provide for more office space and increased capacity for property storage in the prison. An additional 15 telephones for prisoner use had been installed across the site, although these were not yet working at the time of the inspection. These were the only infrastructure upgrades that had occurred since the dramatic increase in the prisoner population at Hakea Prison.
- 3.3 The inspection team was informed of an array of immediate capital infrastructure requirements for which the prison administration had submitted business cases. These included:
- A new 60 bed Management Unit, providing punishment and multipurpose cells, along with court facilities and allowing the existing 60 cells in unit one to return to standard (or if necessary, double-bunked) capacity;
 - A new central facilities building that will house a new gymnasium, education centre, programs rooms, canteen, among other services;²⁴
 - Extensions to the visits centre;
 - Kitchen upgrade; and
 - Extensions to the administration centre.

23 See Chapter 4 for an analysis of the shortcomings of the visits centre for the overcrowded population at Hakea Prison.

24 See the section on recreation in Chapter 4 for more information on the central facilities building and a recommendation in this regard.

- 3.4 These proposed infrastructure upgrades will only begin to see the light of day in three to four years' time, and are far from a comprehensive list of all the infrastructure improvements that are necessary to manage an increasing prisoner population. For example, prison management mentioned upgrades to the IT cabling system and the waste water system as essential in the short term future. Further, none of these proposed improvements to the infrastructure of the prison refers specifically to the needs of and services for remand prisoners who make up the majority (albeit slight) of the prisoner population at Hakea Prison. This reinforces the recommendation made in Chapter 2 that a separate remand facility is needed if the specific needs of the remand population are to be adequately met.
- 3.5 While the inspection was in progress, an announcement was made by the Minister for Corrective Services about a 640 bed increase across the prison system to help manage the overcrowding.²⁵ At this time, Hakea was not part of the planned expansion as it was announced that the beds would be located at Albany, Casuarina and Greenough prisons. Subsequently, the plans were changed so that Albany, Casuarina and Hakea are now the locations.
- 3.6 In December 2009, the Inspectorate had a briefing from senior Department personnel during which more detailed information was provided as to aspects of this expansion. The 640 beds will be contained in 320 double-bunked cells and Hakea can expect to get 256 of these beds in early 2011. The Department was unable, during this briefing, to confirm or not whether these beds would be allocated specifically for remand prisoners, though subsequent advice (late January 2010) is that they will be for remandees.
- 3.7 At the time of the December briefing, we were advised that Government had increased recurrent funding over four years in accordance with an agreed funding model to operate and maintain a prison population of 4,600. The Department advised that support services are allocated funding as a proportion of the total prisoner recurrent costs. However, the prison population has continued to rise over a long period and the growth shows little sign of abating. Support services inevitably lag behind demand and have not kept pace with the rising prison population. As at 4 February 2010 the prison population stood at 4,854. The Inspectorate is most concerned that the additional recurrent funding is based upon too low a prison population and will result in even further shortfalls in support services.

Managing the Overcrowding

Human Resources

- 3.8 Staff of all categories – uniformed, non-uniformed and management – are all struggling with the impacts of overcrowding. Not only does overcrowding impact on the workload for staff, it has also impacted on their working environments which are not adequately resourced to accommodate the increased number of staff that have been rostered to cope with the increased prisoner population.

25 See media statement issued by The Hon Christian Porter, Minister for Corrective Services, 1 November 2009, available at www.mediastatements.wa.gov.au.

- 3.9 The inspection found that staff are managing these difficult circumstances remarkably well and that the commitment and goodwill of all staff (and prisoners) is a significant factor in ensuring that Hakea is able to function as effectively as it has been. Hakea staff were indeed ‘weathering the storm’. The commitment and goodwill of staff was found to be wearing thin, however, with many staff beginning to refuse to accept overtime.
- 3.10 The total agreed staffing component for Hakea at an agreed prisoner population of 897 is 332 uniformed officers. The reality is that the prison does not have 332 individuals available to fill the agreed positions. During the week of the inspection Hakea had only 299 uniformed staff available for rostering meaning it was 33 staff short to fill the required positions for the prisoner population it was currently managing.²⁶ On average, management informed inspection team members that the prison staffing component is short between 25 and 30 officers every day. These positions have to be filled using overtime. This is the sole responsibility of one full time staff member in the Human Resources (HR) team at Hakea Prison.
- 3.11 On these days, when the full staffing complement cannot be realised at Hakea, there is an agreement with the Western Australian Prison Officers’ Union (WAPOU) as to how this must be managed operationally. This involves reducing the essential staffing component to units through a program of late unlocks, staggered unlocks, and even unit lockdowns. The system of locking units down during the day has been controversial and has caused much anxiety and frustration amongst prisoners. Indeed, when it was first introduced in September 2009, prior to the on-site inspection, the Inspectorate received numerous complaints from prisoners who had been subject to repeated unit lockdowns.
- 3.12 These lockdowns are not a complete lockdown of the accommodation units – prisoners are locked into the cell wings and secured behind grilles, not locked into their cells. Nevertheless, these lockdowns cause more difficulties for staff, as the prisoners become more resentful and restless, and following the period of unlock can be difficult to manage resulting in increased tension in the unit. The lockdowns are currently essential but are certainly not the preferred method of managing prisoners. Management at Hakea Prison are aware of the frustration that lockdowns cause and they are used as a last resort to ensure that certain units are fully covered by staff at certain crucial times of the day. When one unit secures its prisoners behind grilles the staffing requirements in that unit are reduced so officers can be deployed to other units that may be understaffed. This also enables officers to take their meal breaks, which is essential in a 12 hour shift.
- 3.13 A number of areas are listed as ‘essential services’ and are not to be impacted by staff shortages. These include the medical centre, video link, laundry, kitchen and visits. To date certain units have been locked behind grilles on a number of occasions; however, full lock downs had not been used at the time of the inspection. Some work and activity areas had been shut down, however, to accommodate staff shortages, removing the more valuable constructive activities available for prisoners.

26 Email correspondence from Hakea Prison management, 23 November 2009.

Staff Morale

- 3.14 Chronic overcrowding and consequential insufficient numbers of uniformed staff available for rostering are the main issues impacting on staff morale at Hakea. Staff are under pressure to pick up overtime shifts, and when these overtime shifts cannot be filled, to cover these positions by assuming the duties of the absent staff. The message from staff very strongly throughout the inspection was that they were tired of the overtime and extra work and were starting to pull back from accepting the additional workload.
- 3.15 Evidence from staff themselves and from the human resources staff responsible for rostering was that staff were beginning to decline the offer of overtime shifts. This was true even for those staff renowned for accepting overtime. As staff begin to become more and more tired of the ongoing work expectations and the pressure from frustrated prisoners when they are at work, the declining of extra shifts will continue and staff shortages will become more pronounced. While the Department is continuing to run new training schools for more staff, they have not been able to keep up with demand across the system and are some time away from meeting the current need for staff, let alone the continual increases needed if prisoner numbers continue to rise.
- 3.16 Hakea has always had a complex staffing group, the origins of which date back to when the two prisons were combined some ten years ago.²⁷ At this inspection the divisions between the two groups of staff did not present as profoundly as at previous inspections, and a more cohesive uniformed group seemed to be in place. However, many officers still have a very strong sense of history about Hakea as a prison and how it should be run. Many staff interviewed (individually and in groups) were wary of change but at the same time presented some interesting ideas to help ameliorate the current stressful overcrowded environment, indicating that morale had not sunk into complete decline.
- 3.17 Senior Officers obviously play a pivotal role in the guidance and leadership of the operational staff. It is therefore at this level, where there is an understanding of operational realities and pressures as well as respect from fellow staff, that innovative changes to practices and processes can be implemented to make the working environment better for staff and living conditions better for prisoners. The Inspectorate is of the opinion that this group should take some ownership in joining with the senior management team to 'work flexibly and innovatively to build on what has been achieved so far: to just try to see whether there are any opportunities for flexibility and improvement even in these extremely difficult times'.²⁸

Recommendation 2

Senior Officers and prison administration should establish a joint committee as agents for change working together to develop and implement strategies to manage the increasing prisoner population at Hakea Prison.

27 The Canning Vale Prison and the CW Campbell Remand Centre were merged in a \$26 million capital works project to become Hakea Prison in November 2000.

28 Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

Training

- 3.18 The on site training team at Hakea consists of one Senior Officer and one satellite training officer, although the latter was to be leaving the prison and no replacement had yet been organised. Even two trainers for a site with over 350 staff is a huge task and the appointment of another satellite trainer is an urgent need.
- 3.19 Despite this, the delivery of basic PD5 (use of force) training to uniformed staff was mostly keeping to schedule and permitting most staff to be qualified in the basic essential areas of CPR, batons and Breathing Apparatus (BA).²⁹ The key to this has been the use of the satellite trainer, who is qualified to instruct in PD5 required training. The trainers reported that because of the focus on new recruit training it had been very difficult to secure Training Academy staff to attend Hakea to deliver the training, and with their own satellite trainer leaving and no replacement there are serious concerns that some areas of training will lapse.
- 3.20 The trainers reported, and their schedule of training showed, that PD5 training was the focus for most of the training being delivered, with little training focussing on other areas of service delivery. This included a lack of modules that would provide knowledge and skills for staff in dealing with remand prisoner issues and needs. The sheer number of staff and roster rotations meant that reaching staff for basic training was difficult enough without trying to facilitate many other professional development needs. Training records show a distinct lack of training focussing on remand specific issues and there is a need for this to be addressed.
- 3.21 The trainers also admitted to not having the resources in order to properly meet the different training needs of different categories of staff, especially Vocational Support Officers (VSOs) and public service staff. VSO staff and public service staff distinctly felt the lack of resource commitment to their training and this is another training deficiency that needs to be addressed.
- 3.22 While staff were now supposed to be able to access additional training at the Academy, they reported that they were often not able to be released to attend due to the shortage of staff at the prison and the pressure to limit the use of overtime as much as possible. The budget available for additional training was extremely limited and staff were very dissatisfied with their access to other training opportunities.

Recommendation 3

Additional resources should be made available to enhance the staff training program at Hakea Prison. Further, given the primary functions of Hakea Prison as a remand and assessment centre, remand-specific training should be prioritised within the staff training program and made compulsory for all staff.

29 The section of this Chapter on 'Maintaining a Secure Environment' does, however, contain information on crucial elements of PD5 training that officers involved in use of force incidents at Hakea in the last 12 months were not adequately trained in.

FIRST DAYS AT HAKEA

Reception

- 3.23 The prison receives an average of 330 prisoners every month. The reception facility is eight years old and structural additions were underway to provide more storage and accommodation for bail coordinators. Some peak period staffing increases have been made and while the area is straining to keep up with the current level of demand, it is coping reasonably well.
- 3.24 Inspection team members observed reception processes during the busiest times, mainly in the morning when prisoners were being processed for court, and the evenings when prisoners and new arrivals returned from court. Overall these processes were efficient. Reception staff were respectful towards prisoners and took appropriate care to ensure that property was correctly entered and associated legalities were observed. Quality control measures were evident in audit processes to ensure accurate control of prisoner property and there was an annual survey of prisoners' experience of the reception and induction processes.³⁰
- 3.25 The 2003 and 2006 inspections of Hakea Prison revealed some concerns over the identification and monitoring of at risk prisoners during the reception processes. The last inspection report indicated that this had improved between inspections. The 2009 inspection found general processes in the reception centre to be good. However, preliminary medical assessments for new prisoners during the reception process were not being conducted consistently at the point of entry due to a reduction in the number of rostered nursing staff. These assessments are crucial for identifying prisoners who may be vulnerable and at risk, as well as identifying prisoners with conditions that may require specialist treatment.
- 3.26 In some instances, reception staff were making decisions about a prisoner's at risk and/or health status, in the absence of a professional medical assessment when no nurse was available. Reception staff indicated that this placed them in an uncomfortable situation in which they themselves felt at risk. Reception officers were able to utilise placement into the Crisis Care Unit as a tool to manage potentially at risk prisoners until a full medical assessment could be conducted.
- 3.27 Risk assessments with respect to multiple cell sharing were being conducted at reception. Officers checked the Total Offender Management System to confirm whether or not a new arrival may have a previous alert on the system that may mean he needs to be in a single cell or not doubled up with particular prisoners. At the time of the inspection Hakea still had a core of single cells available to place these prisoners into, although the program of double-bunking across the prison will eventually erode this flexibility.

30 Although inspection staff were informed that this survey with prisoners had not been conducted for some time.

- 3.28 There was over use of strip searching during the reception process. This was mainly due to new policies incorporated into the contractor's (G4S) procedures. In addition to the usual searching procedures by Hakea prison staff (which include pat searching, strip searching and x-ray screening) prior to sending prisoners onto the vehicles, G4S were searching these same prisoners who had just been strip searched again before loading them on to the vehicle. This duplication appears quite unnecessary in terms of security and has the potential to delay the transfer in and out of the prison. Needless to say these excessive searches were most frustrating for prisoners.

Orientation

- 3.29 Orientation is a discrete process at Hakea Prison. What this means is that there is a designated orientation unit and orientation officers ensuring that all new prisoners go through the orientation process during the first few days of their arrival. This is good practice; previously, orientation was less structured and mostly up to the officers in the unit, who had to fit this in amongst all their other duties.
- 3.30 The Inspectorate's Code of Inspection Standards in relation to orientation states that 'prisons are complex and may be bewildering when first encountered'.³¹ The standards therefore require that prisoners are provided with the opportunity, within the first few days of arriving at the prison, to become familiar with the prison's layout and regime.
- 3.31 During this inspection we found that prisoners are taken on a familiarisation tour of the prison with a prison officer who uses the occasion to allay many fears as well as provide information. Prisoners then attend a talk given by an orientation officer who divides prisoners into three groups and presents slightly different sets of information according to the group. These three groups are: those for whom this is the first time in prison; those who were last in Hakea more than five years ago; and the recidivists who keep returning to Hakea
- 3.32 Each prisoner is provided with an orientation handbook. The handbook is comprehensive with 33 sections dealing with a range of matters including things to do when you first arrive; code of conduct; bullying and racism; visits; prisoner counselling services; and various other targeted and relevant matters. Following the presentation by the orientation officer, a couple of peer support prisoners address the new arrivals. They explain the role of peer support and encourage the new prisoners to talk to one of the peer support prisoners about their worries in prison.
- 3.33 The Prisoner Support Officers (PSOs)³² are involved in the orientation process and again this is good practice. In particular, the PSOs provide support for new young offenders, first time offenders and out of country prisoners, who are referred to the PSO by the orientation officer. The inspection found good working relationships between the PSOs and the orientation officers.

31 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 16.

32 See Chapter 5 of this report for a thorough explanation of the role of the Prisoner Support Officers at Hakea Prison.

- 3.34 The orientation process at Hakea Prison did not, however, assist the foreign national prisoners entering Hakea in the same way. Many of these prisoners do not speak English. All the orientation information, written and oral, is provided in English.³³ Management did recognise this as problematic and had attempted to remedy this by investigating options for translating the orientation, and other, material into different languages, in particular Indonesian. However, it was said that the cost of doing this was too prohibitive for it to be pursued.
- 3.35 The experience of entering a prison, for both remand and sentenced prisoners, can be overwhelming and quite frightening. The importance of providing a safe environment in those first few days cannot be overstated. Unit 7 is the residential unit where most new prisoners spend their first few days.³⁴ This is one of the older units in the prison and does not provide a welcoming atmosphere at the best of times. In these overcrowded times it is even less appealing and cannot reasonably be considered a decent environment in which to spend the first few days in prison. Even without the current overcrowded conditions, Unit 7 is unsuitable, particularly given that many of the new arrivals may be remanded and not sentenced. There should be more consideration for the rights of remanded persons who may not be guilty of any offence.

FORWARD PLANNING

Prison Management

- 3.36 The inspection found that, whilst Hakea prison management was committed to the concept of forward planning and had numerous positive ideas, the levels of overcrowding compromised their ability to engage in meaningful forward planning strategies. Instead, they were having to invest all their time and energy into the reactive task of managing increasing numbers of prisoners on a day to day basis. Further, there was no overall Departmental plan that prison management could rely on to provide a framework to assist them in managing the current situation or in moving forward.
- 3.37 Local management and staff were determined in their attitude that Hakea Prison is a remand and receipt centre. As we have seen, however, the reality is that 45 per cent of its prisoners were sentenced and almost 200 were awaiting transfer.
- 3.38 Prison management commented on the difficulty of forward planning for the site given the unpredictability of the prison population, the complex prisoner population profile, the changing balance between remand and sentenced prisoners, and inadequate infrastructure and resources for the remand population. While uniformed staff resources have increased commensurate with prisoner population increases, other categories of staff and non-human resources have not. This makes day-to-day operations a reactive exercise with limited capacity for forward strategic planning.

33 See Chapter 5 for a thorough explanation of the experience of foreign nationals in Hakea.

34 Some prisoners are sent to the Crisis Care Unit in the first instance if they are assessed as being at risk.

- 3.39 Some staff complained about a perceived lack of consultation around planning and decisions about change from management. However, these complaints have to be balanced against evidence that some sections of staff resist change to regimes and innovation in services. There is also a high demand on management to react rapidly to constantly changing conditions, giving little time for extensive consultation in some instances. Nevertheless, this perception is still strongly held. It is therefore suggested that management put together a standard communications plan for the inclusion of staff in both short term and long term planning measures. This would include the suggestion made earlier in this chapter about utilising the senior officer group to devise ways of improving the systems and regimes currently in place at Hakea to ameliorate the stresses for prisoners and staff in the current overcrowded conditions.

Financial Management

- 3.40 Hakea Prison's Business Plan 2009-10 states that 'the budget provided by the Department to cover ongoing goods and services has been funded for a population of 780'.³⁵ This number was allocated to the prison from head office for the 2009/10 financial year. Hakea's population exceeded this number before the financial year had even begun³⁶ and it is baffling as to why such a system of budget allocation is used. The Inspectorate questions how the Superintendent can be expected to properly manage a facility that is under-funded to begin with.
- 3.41 The Department operates on a system where the prison must apply for supplemental funding after the fact for the prisoners in excess of the number that it was allocated, meaning it carries debt from the beginning. There appears to be little incentive for managers to operate within budget as it is always known that supplementary funding is going to be required and received. This funding is not, in effect, 'supplementary' but should more accurately be referred to as essential funds that are outstanding.
- 3.42 At the time of the inspection the prison was operating well in excess of its budget, with the primary cost being staff overtime driven by the overcrowding. Ironically, despite the overcrowding and stress being experienced by staff, the prison was under strong pressure to reduce overtime expenditure and there had reportedly been orders from head office for this to occur. Given the reality of the steadily increasing prisoner population at Hakea Prison, this is an unrealistic demand.

Recommendation 4

The Department needs to reassess its method of allocation of population estimates for budget purposes.

35 Department of Corrective Services, Adult Custodial Division, *Hakea Prison Annual Business Plan 2009-2010*, 10. In their response to the draft Hakea inspection report, the Department maintained that Hakea's funded population level was not 780 but 818. The figure of 780, however, was taken directly from page 10 of Hakea's annual business plan, as has been referenced above.

36 TOMS showed the population at Hakea on 15 June 2009 as 790.

MAINTAINING A SECURE ENVIRONMENT

Physical Security

- 3.43 From a physical security perspective, the inspection found that Hakea Prison had in place sufficient physical security to prevent and/or manage any breaches of physical security. The resources Hakea has to cope with such incidents include:
- Sufficient officers spread around the prison to ensure a rapid response;
 - The duress alarm system;
 - Visible recovery teams;
 - High profile patrols by the Emergency Support Group (ESG) located adjacent to the prison;
 - A high degree of segmentation, which provides segregation options and can limit escalation;
 - Extensive readiness training – 53 simulated emergencies in the last six months; and
 - Good relations between the ESG and prison management.
- 3.44 The inspection did, however, identify some deficiencies with regard to current training for officers in specific aspects relating to the use of force. Policy Directive 5 (PD5) includes the essential guidelines for dealing with a situation in a prison that requires use of force. Understandably there are many elements associated with use of force training, including when and how to deploy a Taser, use of chemical agents, cell extraction procedures, self defence, use of mechanical restraints, CPR and breathing apparatus training. The section on staff training above indicated that some aspects of PD5 training are commonly provided to officers at Hakea Prison and that most of the officers at Hakea would be currently trained in these. An analysis of the use of force incident reports for the past 12 months, however, revealed a gap in other aspects of PD5 training, specifically cell extraction, mechanical restraints, and self defence.
- 3.45 Of the three reports relating to the use of force incidents at Hakea Prison for the previous 12 month period, 19 officers were involved, 17 of whom were identified as not current in terms of their training in some of the elements of PD5 listed in the paragraph above. Insufficient training places staff at risk of injury, of unnecessarily injuring a prisoner and of escalating incidents that would otherwise have been handled without or with a lesser use of force.

Dynamic Security

- 3.46 The term ‘dynamic security’ refers to the relationships that exist between staff members and the offenders they manage. Inspection findings with regard to dynamic security in 2006 revealed that ‘the dynamic security system was ineffective’ and that ‘the concept was neither well understood nor adequately defined’.³⁷

37 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007), 29.

- 3.47 In 2009, the compromised status of dynamic security at Hakea Prison could be attributed to the vast increase in prisoner numbers and the impact of this on staff/prisoner relations. All of the officers and the prisoners that we spoke to agreed that officers spend less time engaging with prisoners than they used to. Officers unanimously attributed this to their increased workload due to the increased number of prisoners they have to manage, which has significantly lessened the amount of time they have available to devote to ‘chatting’ to prisoners. It is these ‘chatting’ sessions that ensure the integrity of a dynamic security system as these are the opportunities for officers to gather intelligence from prisoners about activities occurring amongst prisoners and for these relationships with prisoners to be cultivated and nurtured. The 2006 inspection finding in relation to poorly developed dynamic security systems at Hakea Prison therefore still stands in 2009.
- 3.48 The overcrowding has also impacted on staff/prisoner relations in other ways besides reducing the amount of time officers have to spend with prisoners. Evidence is provided elsewhere in this report of the under-employment at Hakea Prison, with almost half (43%) of the prisoner population at Hakea unemployed. This means increased numbers of prisoners sitting around the units all day with not much to do. This boredom does lead to an increase in these prisoners’ demands on the officers in the units, which in turn increases officers’ frustration and they begin to withdraw from the prisoners. This of course erodes any prospect of the positive and sustained interactions between staff and prisoners essential for an effective dynamic security system.
- 3.49 The recommendation included above about the Senior Officer group working with management to develop local solutions to assist in managing the overcrowding is relevant to dynamic security as well. As part of this engagement between the Senior Officers and management, strategies to improve dynamic security should be negotiated.

Complaints and Grievances

- 3.50 The Inspectorate has commented extensively on the Department’s overall approach to managing prisoner complaints and grievances and has made numerous recommendations in this regard. The Inspectorate has accused this system of being user-unfriendly in that it relies in most instances on presenting a complaint in written form and does not take into account any cultural sensitivities of Western Australia’s prisoner population. In essence, the most effective complaints and grievance system is one that does not actually get utilised. Complaints and grievances should, ideally, be resolved using informal, interactive and conciliatory means and should not escalate to a point where formal procedures need to be activated.

- 3.51 The day to day issues of prison life throw up a multitude of mundane and minor frustrations or perceived inequities for individual prisoners. Prisoners have little control over these issues, and they can assume an exaggerated importance in the context of the relative deprivations of prison. If not able to be explained or sorted out, they can escalate into an incident or become the subject of a grievance. Resolving these minor matters quickly and satisfactorily (as far as is practically possible) at the lowest level – in other words, through discussion with prison officers – reduces the number of complaints and grievances that prisoners lodge with more formal grievance systems. For this interaction to work well, prisoners must feel able to approach prison officers with inquiries, concerns, requests and complaints and believe that they will be heard and fairly treated.
- 3.52 At Hakea Prison this informal resolution of complaints before they escalate is compromised by the limited opportunities for interaction between prisoners and officers as a result of the overcrowding. Officers' response to inquiries by the inspection team as to the quality of the interactions between them and prisoners was unanimously that this had deteriorated significantly relative to the increase in the prisoner population. Officers simply no longer have the time to engage with prisoners as they are too busy trying to manage the increased number of prisoners in the units. Whereas before officers had the time to wander through the units talking to prisoners and thus presenting opportunities for minor issues and disgruntlements to be addressed, the overcrowding has severely restricted these opportunities.
- 3.53 Officers are now restricted to working out of the unit offices trying to attend to long lines of prisoners waiting for their concerns to be heard, as well as trying to attend to the backlog of their usual prison officer duties. Whilst additional staff may be allocated to assist in certain units, additional tools the officers need to complete their tasks, such as improved technology (particularly faster computers), have not been provided, further jeopardising the amount of time officers have available to engage with prisoners. As a result, prisoners said they were often told to 'come back later' with their inquiry/request/complaint. Many prisoners are quick to see a slight in any refusal or deferral. Many of the out of country Aboriginal prisoners also told us that they would not go back if refused or told to come back later. Inevitably then, minor issues escalate into serious concerns compounded by a perception amongst prisoners that officers have little interest in helping them.
- 3.54 The inspection found, predictably, that the formal grievance system at Hakea Prison was lengthy and bureaucratic. If a prisoner tries to short circuit the time-consuming and complicated internal procedures by writing to an external agency before exhausting the in-house or Departmental complaints processes they are likely to have their complaint returned with instructions to go through Departmental procedures first. There was little confidence amongst prisoners in the confidential mail system whereby prisoners can utilise confidential envelopes to forward their complaints to certain external agencies without officers reading these. This is a consistent finding across all prisons.

Discipline and Punishment

Incidents and Charges

- 3.55 There has been a slightly disproportionate increase in the number of charges laid against prisoners under sections 69 and 70 of the *Prisons Act 1982* over the past three years at Hakea Prison, as the prisoner population has increased. Evidence of this was provided by the prosecutions officer, security manager and uniformed staff, as well as a random sampling of statistics from different months over the past three years of charges laid at the prison. Further, prisoners who participated in the pre-inspection focus groups also informed Inspectorate staff that there was an increased feeling of tension in the prison.
- 3.56 One category of charge was mainly responsible for this disproportionate increase in prison-based offences – incidents between prisoners, primarily arguments escalating to threats and then to fighting and assaults. Interviews and focus groups conducted prior to and during the inspection confirmed that these incidents were most often related to the overcrowding and double-bunking. Prisoners expressed frustration at the lack of privacy and the inability for them to distance themselves physically from others with whom they were in conflict.
- 3.57 Staff safety is also directly impacted by the increasing tensions and incidents between prisoners. Statements made by officers in individual interviews, in the pre-inspection focus groups, and at the uniformed staff meeting facilitated by the Inspector during the inspection commonly reflected that they felt less safe in their working environment than they did when the population was not so high. More specifically, there were many comments from many officers relating to their perception that it is only a matter of time before an officer is seriously injured at Hakea as a direct consequence of the increased tension in the prison due to the overcrowding.
- 3.58 During the all staff meeting referred to above, the Inspector inquired from the officers as to the ‘temperature’ of the prison. The officers present responded well to this use of the phrase. They commented that its use was most appropriate given the rise in temperature of the prison due to increased tension in the prison. They predicted that the prison temperature would rise further during the summer months.

Loss of Privileges and Earned Incentives

- 3.59 The overcrowding has impacted on the behavioural management tools available to prison officers who have to manage prisoners in the units. Traditionally, loss of privileges (LOP) has been a tool to deal with minor rule infractions in the units or prisoner workplaces. The policy document governing the use of loss of privileges as a behaviour management tool is Adult Custodial Rule 03.³⁸ This states that the loss of the privilege must be relevant to the misconduct of the prisoner. All loss of privilege incidents must be recorded on the Total Offender Management System (TOMS).

38 Adult Custodial Rule 03, Privileges. Accessible at www.correctiveservices.wa.gov.au.

- 3.60 Overcrowding has severely limited the loss of privilege options available to officers. Most of the minor infringements that attract a loss of privilege are unit based. As such the loss of privilege is unit based such as loss of recreation outside the unit, loss of the television or other cell items. However, because of the current overcrowding and the double-bunking in many cells, it is more difficult for officers to use some of these loss of privilege options. For example, removal of the television will also punish the other prisoner sharing the cell, even if he is innocent of any breach. Further, use of a loss of privilege such as recreation in the overcrowded, stifling environment of Hakea only serves to increase tension, boredom and frustration, thus making prisoners even more difficult to manage.
- 3.61 Staff interviewed at the pre-inspection focus groups, throughout the inspection and at the all staff meeting during the inspection repeatedly voiced their frustration with this inability to manage behaviour using appropriate LOPs. It has resulted in LOPs that are not appropriate/linked to the misbehaviour having to be used (either no recreation or loss of gratuities) and in some cases this is acutely unfair.
- 3.62 Adult Custodial Rule 03 also includes provision for privileges to be earned within a prison environment, and not only for these to be lost.³⁹ These privileges are granted within the broader context of an earned incentive and hierarchical management system whereby prisoners are rewarded for sustained good behaviour. This system of rewards is being eroded due to the overcrowding. Unit 5 is the self care accommodation unit and is the most desirable accommodation option for prisoners. Placement in Unit 5 has traditionally been an earned incentive and a certain standard of behaviour is required for prisoners to remain in this unit. The cells used to be single cells and it is a self care unit. However, Unit 5 has not escaped the invasive program of double-bunking and there are a number of cells in Unit 5 that are doubled up. This has reduced the number of single cell placement options as an earned incentive for prisoners.⁴⁰
- 3.63 Prison management acknowledges that the overcrowding has had a profound impact on the earned incentive scheme at the prison and had initiated a process of reviewing the incentives available for good behaviour. A committee had been established to review this scheme as well as to envisage new incentive options to offer prisoners.
- 3.64 The Inspector, in his exit debrief, referred to ‘compensatory measures’ as alternatives the prison could consider as some form of ‘incentive/compensation to prisoners for the conditions that they face’.⁴¹ Examples of some compensatory measures were provided to prison management during the inspection. These will go some way to alleviating the impact of overcrowding on the daily life of prisoners at Hakea Prison.

39 See also Policy Directive 3. Also accessible at www.correctiveservices.wa.gov.au.

40 In their response to the draft Hakea inspection report, the department clarified that only two of the three wings in the self care unit are in effect self care wings. The other wing is an “enhanced” wing with privileges for those prisoners awaiting transfer to the other self care wings. The Inspectorate’s argument remains, however, in that the overcrowding is still affecting the prisoners’ access to earned incentives in the enhanced wing of unit 5 due to the double bunking.

41 Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

Prosecutions

- 3.65 With regard to prosecutions, all evidence examined during the inspection showed that the formal prosecutions process at Hakea was operating ‘openly, expeditiously and fairly’, as required by the Code of Inspection Standards.⁴² Further, charges were being heard in a timely manner, which was impressive given the increase in prisoner numbers and the associated increase in prisoner charges. The role of the prosecutions officer was a full time position which was occupied by a Senior Officer. An integral aspect of his role was to exercise quality control of the reports he received to ensure that they were detailed enough to support the charges being recommended by staff. The prosecutions officer is committed to properly and fairly implementing the prosecutions process and so has on occasions had to dismiss some reports that were poorly written and which would inhibit a successful prosecution. This is good practice on the part of the prosecutions officer, although not necessarily a popular one with the officers responsible for writing the reports. This is a training issue that should be addressed.

MAINTAINING A SAFE ENVIRONMENT

Occupational Safety and Health

- 3.66 The working environment of Hakea Prison is complex. It supports over 300 staff and a variety of workplaces, including heavy industries (concrete products, metalwork), working with chemicals (paint shop, cleaning), working outdoors (gardens) and warehousing (property store). Maintaining a safe working environment for the staff who work in these various areas is crucial.
- 3.67 Occupational Safety and Health (OSH) legislation clearly sets out the requirements of any good process for the identification, management and resolution of safety hazards in the workplace and also the chain of responsibility for these processes from the ground up to managers at the highest levels. The Inspectorate engaged the services of two experts in the field of occupational safety and health from the government department responsible for regulating compliance with the legislation, Worksafe. The Worksafe representatives approached the inspection with a focus on whether the correct OSH systems and processes were in place and if they were being used appropriately in the consultative way that the legislation intended.
- 3.68 The Worksafe representatives identified three areas for improvement in relation to occupational safety and health at Hakea Prison. The first area for improvement was the consultative mechanisms that are supposed to be in place to ensure that there is adequate representation across the site with regards to the management of OSH matters. The inspection found that there was uncertainty as to how many safety and health representatives there were across the site and what areas they were responsible for. The representatives themselves were unsure of the legal requirement to attend a five day introductory course during the first year of their term as safety representatives, and they carried out their functions with very little management involvement.

42 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 55.

- 3.69 Another area for improvement that the Worksafe inspectors identified was occupational safety and health training for managers as no information could be provided as to which managers at Hakea had completed any OSH training despite this requirement having been stipulated in Hakea's Operational/Business Plan. The safety and health committee had only met once in the previous 12 months. The safety and health representatives suggested that the safety and health committee is not effective due to a lack of management commitment, although management did appear to be committed.
- 3.70 Finally, the Worksafe inspectors identified deficiencies in the industry workshops in the prison. They noted that there was no evidence of recent risk assessments having been undertaken regarding the work of the VSOs, whose work and prisoner allocations have increased significantly with the overcrowding. Further, they identified a poor standard of housekeeping in the workshops. It is important to recall that the 2006 inspection of Hakea Prison also identified haphazard processes in the workshops resulting in the recommendation that a review of tool control at the prison should be progressed. The Department supported this recommendation and responded that Hakea was introducing a tool control process. This process has either not been introduced or is ineffective.
- 3.71 Hakea Prison management has recognised the problems of its OSH management for some time, and has submitted a business case in the past two rounds of funding approval for the resourcing of an OSH manager position to be based at Hakea. In their response to the draft report, the Department commented that a submission to formalise this position was not supported and did not progress to the Establishment Control Board. No explanation was provided to the Superintendent as to why progress was halted. Further to their response to the draft report, the Department asserted that a second application for this position has been completed and is being assessed. Any work site containing the number of employees that Hakea supports, not to mention the vast number of prisoners who are also impacted by poor occupational safety and health systems, should have an OSH manager.
- 3.72 The Worksafe inspectors' findings were submitted to the prison and to head office shortly after the inspection with a view to the issues being progressed. The Inspectorate will continue to monitor the progress with regards to the occupational safety and health concerns at Hakea Prison.

Recommendation 5

The Department must ensure there is a robust and effective occupational safety and health system at Hakea, as required by legislation. In doing so, it must take full account of the findings contained in the Worksafe report that was provided following the inspection.

Sustainability and Environmental Health

- 3.73 A sustainable approach would benefit management and staff in managing the overcrowded prison environment at Hakea Prison. It would also see Hakea Prison become more and more self sufficient. This necessarily would entail the creation of more jobs for prisoners, which would alleviate the boredom associated with having too many prisoners with not enough to do. Prisoners exposed to such an approach could transfer these good environmental sustainability practices to their life outside the prison environment once released.
- 3.74 The State Sustainability Strategy was released in September 2003. The Strategy required the establishment of a Sustainability Code of Practice for Government Agencies, which was approved by Cabinet in September 2004.⁴³ This Code requires each agency to develop and report on a three year basis on its individual agencies' Sustainability Action Plans. Whilst the Department of Corrective Services does have a Sustainability Action Plan, there was no evidence of this in operation at Hakea Prison. Rather, the Prison's approach to sustainable practices was piecemeal and did not appear to be part of an overall sustainability strategy. Further, there was no mention of sustainability in the Hakea Prison Priorities section of their 2009/2010 business plan.
- 3.75 That is not to say that there were no sustainable practices occurring at the prison. The inspection discovered a range of sustainable initiatives – usually locally driven – which are highly commendable. The establishment of the chicken coop outside Unit 8 for example was one such initiative. The chickens are fed using scraps from the kitchen and in turn provide eggs to supplement the Prison's egg supply. Working with the chickens provides job opportunities for the (vulnerable) prisoners in Unit 8 and also provides learning opportunities for them.
- 3.76 Similarly, the establishment of the market garden since the last inspection is good sustainable practice. This employs prisoners and produces vegetables which are supplied to the kitchen. Mini versions of this market garden can also be found in some units, specifically Units six and eight. The Superintendent also informed the inspection team of a business case for the establishment of a recycling industry at Hakea Prison, which has been approved. This is good sustainability practice that will provide some respite from the overcrowding particularly in terms of creating employment opportunities for prisoners.
- 3.77 Areas identified during the inspection that lacked a sustainability focus included a lack of rainwater tanks across the site. Overall the inspection found a patchy approach to sustainability at Hakea Prison with some innovative good practices but some areas clearly lacking a sustainable position.

43 Available at www.dpc.wa.gov.au

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- 3.78 The environmental health status of Hakea Prison was also compromised by the overcrowding. The increased number of prisoners was placing a strain on already stretched infrastructure and resources. The inspection found, for example, that the hot water system was not coping with the increased usage and the hot water was frequently running out depriving prisoners of a hot shower. Prisoners in some units were managing this amongst themselves by staggering their showering times. The overcrowding meant that some prisoners had to sleep on mattresses on the floor (22 prisoners were in this position at the time of the inspection). The cells at Hakea Prison are not designed to have this number of prisoners sharing a cell, the consequence of which was increased condensation in the cells causing the mattresses on the floor to become damp and mouldy.⁴⁴
- 3.79 Unit eight at Hakea Prison was opened in June 1999, prior to the merging of the two facilities. The unit comprises 48 cells which are in fact sea containers that have been joined together. At the time of the inspection there were 84 prisoners accommodated in these 48 sea container cells. Whilst Unit eight is considered an enhanced unit, the sea containers are beginning to show signs of disrepair, in particular the floor which is unstable in places. Similar deterioration was observed in other units too, such as the flooring in units one and four.
- 3.80 The prison does have a maintenance schedule in place that should address these infrastructure deficiencies. Regardless of this, the infrastructure will only continue to deteriorate and adversely affect the occupational and environmental health of the prison if current levels of overcrowding continue.
- 3.81 Shortly before the commencement of the on-site inspection, the Departmental Smoking Reduction Plan was introduced at Hakea Prison. This plan is being implemented in stages. Stage one, which was introduced a few weeks before the inspection, bans smoking inside the units, including cells, during the unlock hours, that is during the day. Prisoners at this stage may still smoke in their cells once they are locked up in their cells for the night. Stage two of the plan is a complete ban on smoking inside the units at all times.
- 3.82 Designated smoking shelters (colloquially referred to as ‘sheds’) have been built using prisoner labour and installed at various points across the prison site. Once stage two of the no smoking plan comes into force prisoners will only be allowed to smoke in these outdoor open-sided ‘sheds’ which have cigarette lighters built into them as prisoners will no longer be able to purchase or have in their possession any cigarette lighters.
- 3.83 Whilst this is a good environmental (and personal) health practice, it should be supported by appropriate medical interventions, such as nicotine patches. Indeed, this was originally included in the plan when it was formulated, and is occurring at other prisons. At Hakea, however, the health centre is unable to cope with the sheer numbers of prisoners requiring patches and the associated medical support like extra medical appointments and follow-up consults.⁴⁵

44 See Chapter 4 of this report for a more detailed explanation of the clothing and bedding situation at Hakea Prison.

45 In their response to the draft report, the Department commented that the ‘Senior Stakeholder Smoking Reference Group will be reviewing this position’. The Inspectorate welcomes this review, although no indication was provided as to the scope and/or timeframe for this review.

3.84 Moreover, prisoners experienced the introduction of the smoking reduction plan as yet another liberty that was being eroded, along with other liberties being eroded by the overcrowding like the option of securing a single cell or being assured of a hot shower. They asked the question why, given the adverse impact of overcrowding on their daily lives at Hakea Prison, should they also be deprived of the one thing that they can still rely on to be a pleasurable experience, albeit smoking. The Inspectorate considers this a reasonable question and hopes that the Department and prison management will give it some careful consideration before implementing stage two of the no smoking plan at Hakea Prison.

Chapter 4

PRISONER WELLBEING

A DAY IN THE LIFE...

- 4.1 The overcrowding at Hakea affects every aspect of prisoners' daily lives. The double-bunking arrangement means that cells designed for one person have two people sharing the cell. In some cells, which have not yet had permanent double bunks installed, the second person slept on a mattress on the floor pushed up against the side of the toilet bowl, in fear of being splashed should their cell mate need to use the toilet during the night. The following account is a representative story.
- 4.2 Prisoners are confined to their cells during the lockdown hours of 6.30pm to 7.00am. During this time, as a prisoner in a doubled-up cell, you have no choice but to use the toilet in full view of your cell mate. Once the cell has been unlocked for the morning routine, you will have to hurry or you may miss out on a hot shower due to limited hot water. If you do manage to have a shower, you may not have a clean towel to dry off with because the laundry may not have returned your clothing and linen on time.⁴⁶ If you only arrived at Hakea in the last few days and have not yet had an opportunity to purchase your own underwear, you may still have to wear the second hand prison issue underwear.
- 4.3 If you are not among the 25 per cent of prisoners who are employed outside the unit your day will be spent inside the unit. If you are among the 23 per cent⁴⁷ of prisoners employed in the accommodation units across the prison you may be busy with your allocated job for an hour, two at the most, over the course of the day. After all, the prison is overcrowded and there are too many people and too few jobs.
- 4.4 You can look forward to a few hours of recreation time when you get to leave the unit. You can also look forward to telephoning your family at the end of the day. When the time comes, however, there is a long queue waiting to use the telephone in your wing and limited time available to use the phones before lockdown. If you are a prisoner returning from work in one of the industrial workshops or the gardens, again the race is on for a hot shower.
- 4.5 As a remand prisoner you are entitled to one social visit each day. You are grateful that your partner managed to secure at least one visit this week. She did try and book more sessions but all the visits sessions when she was able to attend were fully booked.^{48,49}
- 4.6 This is one story of an average day in the life of prisoners at Hakea Prison. The elements of this overcrowding story are not anecdotal. Evidence indicating the veracity of the story is provided throughout this Report. Whilst a prisoner's experience of any one of these elements may only be mildly annoying, all of these combined over a period of time produce a cumulative effect that fuels frustration and anxiety amongst prisoners.

46 See [4.17] – [4.20] for a detailed description of the problems in the laundry.

47 See Chapter 6 for more detail on employment at Hakea Prison.

48 See [4.36] – [4.57] for a comprehensive account of the social visits system at Hakea Prison.

49 In their response to the draft report, the Department claimed that the only situation in which a visitor may not be able to get into a visit session is if she/he calls on a Friday trying to book a visit for the weekend. The Inspectorate's argument still stands, however, and that is that remand prisoners should be able to have one visit every day.

Food and nutrition

- 4.7 Prisoners are rarely happy with the food provided, and there was no shortage of negative comments during the present inspection of Hakea and in focus groups before the inspection. However, there was no real sense of outrage in these complaints and many acknowledged it was about as good as could be expected. Young prisoners, for example, commented that the food was less greasy than food in the juvenile centres. Whilst some prisoners commented that the quantity of food had not increased proportionately to the population increase, an analysis of the numbers of trays sent to each unit indicates that quantities have increased. Further, staff reported that in instances when insufficient food was provided the kitchen responded quickly and provided more food.
- 4.8 A vegetarian diet is available to all prisoners if formally requested through the unit manager. However, it appears that some senior officers and prison managers believe that medical approval is also required, so requests are often sent to the health centre, causing unnecessary delays. The kitchen dedicates two workers to prepare these and a good effort is made to provide appetizing alternatives to the mainstream meals, including use of pulses, meat substitutes and extra vegetables. Modified diets are also available if ordered by medical staff, for example for people intolerant of gluten. However, the mainstream diet is considered sufficiently low fat and sugar free that no special alternatives are provided for diabetics or those requiring a low-fat diet.
- 4.9 Religious diets can also be requested. While such diets exclude pork and include other modifications, no certified Halal or Kosher⁵⁰ meat is provided, even though there are a significant number of Indonesian Muslim prisoners at Hakea. For meat to be Halal, it must fulfil a number of criteria. The exclusion of pork is one of these criteria, and another is the method of slaughtering, which has very specific conditions like covering the animal's eyes during slaughtering, not slaughtering the animal in front of other animals and killing the animal by making one incision and letting all the blood drain out of the animal.⁵¹ Whilst this may appear to be more gruesome detail than is required in an inspection report, the Department in their response to the draft Hakea inspection report, claimed that the meat slaughtered at Karnet Prison Farm conforms to these Halal practices. Inspectorate staff have investigated this claim and can confirm that it is false – the meat slaughtered at Karnet Prison Farm and distributed for consumption by prisoners in prisons across the State is not slaughtered according to the required Halal methods.
- 4.10 This raises some potential legal issues in the light of the settlement reached in 2006 between convicted terrorist Jack Roche and the Department over failure to provide Halal food at Hakea and a precedent established by a prisoner in the Queensland Supreme Court over a similar matter.⁵² All prisons potentially face similar issues, but Hakea as the receiving prison is most likely to be confronted with such issues in the first instance.

50 In their response to the draft report, the Department maintained that pre-prepared Kosher meals are purchased for those prisoners who request them on religious grounds.

51 See website at halal.com.au

52 See *State of Queensland v Mahommed* [2007] QSC 18; Thomas, Hedley: Muslim jail-diet ruling may open floodgates, *The Australian*, February 12, 2007 (<http://www.theaustralian.com.au>).

Recommendation 6

The Department must proactively pursue a greater understanding of religious diets using the community standard as a baseline.

- 4.11 A new catering manager commenced 18 months prior to the Inspection and progressively implemented a number of reforms. Notable among these was his involvement in the cessation of preparing cook-chill food for Casuarina and the provision of industry standard food transport trolleys vital for the safe distribution of food across the vast prison site. Other reforms are also being pursued, one of which involves the provision of a separate menu and four canteens across the prison specifically for staff. At present, there is no communal area for staff to eat their meals and socialise with one another – this is generally done in the unit offices. This initiative will provide staff with a separate place to go to so that their meal breaks do in fact present an opportunity for a short break during a long 12 hour shift. These reforms are commendable.
- 4.12 The previous inspection highlighted deficiencies in the provision of culturally appropriate food. Likewise in 2009, the menu provided at Hakea is still essentially a Western diet that is alien to many prisoners of Asian, Middle-Eastern and East-African backgrounds. The largest group of these are Indonesian nationals.⁵³ The Indonesians are scattered throughout the prison with concentrations in Units eight and six, both of which have rice cookers and, the latter, the opportunity to stir-fry meat or vegetables supplied adding flavour using spice or sauce. Vietnamese and other Asian prisoners in Unit eight also make use of such facilities.
- 4.13 In other units, foreign national prisoners wanting rice have to request it through a unit interview form every week. Trays of steamed rice are then supplied twice during the following week. If prisoners fail to ensure someone makes such a request, or wing officers are too busy to process these forms, rice is not provided. As a staple, rice is extremely important to some people and should be more freely available in all units. Noodles are equally important to some Asian people and should also be available as a staple. A rice/noodle cooker should be available in every unit.
- 4.14 The recommendation relating to culturally appropriate food in Report 45⁵⁴ included a requirement for the provision of more traditional food for Aboriginal prisoners. There was no marked improvement in this regard at this inspection.⁵⁵ The recommendation also stipulated that more low fat options should be available in the diets of prisoners generally. Since that inspection, Karnet has begun producing low fat milk. This has been the only significant reform in the reduction of fat in the food provided to prisoners at Hakea.

53 See Chapter 5 for a thorough explanation of life at Hakea Prison for these foreign nationals.

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

55 Chapter 5 explores the experience of Aboriginal prisoners at Hakea Prison in more detail.

Clothing and bedding

- 4.15 The reality of the overcrowding story told above was particularly stark on day four of the on-site inspection. Inspection staff discovered a prisoner in Unit three sleeping on a mattress on the floor with his mattress pushed up beside a leaking toilet. The prisoner awoke drenched as a result of the leaking toilet as well as the usual condensation in the cell overnight.⁵⁶
- 4.16 Standard-issue mattresses at Hakea are six-inch thick foam mattresses with a cotton cover. These mattresses do not provide adequate support and are considered very uncomfortable by many prisoners. At the time of the inspection 22 prisoners were sleeping on mattresses on the floor. The mattresses are especially vulnerable to mould from moisture trapped by the floor and the condensation in cells sleeping more prisoners than their original design. Prisoners also said they could feel the cold hard floor through their mattress.
- 4.17 Feedback from prisoners about these mattresses even when they were on a bed base as opposed to on the floor was also negative. The bed bases have narrow slats to maximise moisture control, but prisoners said that they can feel these through the soft foam mattress. Many of those who had stayed for some months, managed to get hold of a second mattress to reduce this discomfort. Many also placed multiple blankets or towels under their mattresses. A higher density of foam mattress is needed to provide adequate support. The cost of this would potentially be offset by the cost involved in supplying extra mattresses, blankets and towels.
- 4.18 The laundry emerged in the present inspection as a major issue, not only for the many prisoners who complained but the prisoner officers having to manage constant complaints about loss of laundry, or extended delays in returns from the laundry. Most prisoners said that they expected to lose at least one item every time they submitted laundry to be washed. A number were left with seriously depleted stocks of clean clothes and some complained that nothing had been returned after a number of weeks.
- 4.19 The clothing identification system used in the laundry is a tagging system whereby each item is tagged identifying that item as belonging to a particular prisoner. Laundry is conveyed to and from the units in individual bags. It stands to reason, therefore, that any tagged item presented to the laundry should be returned from the laundry to the same prisoner once it has been laundered. The overcrowding combined with deficits with regard to the workforce and staffing in the laundry was severely impacting on the efficient working of this system.
- 4.20 The question of hygiene was raised by some prisoners, especially in relation to the supply of second hand underwear and socks. New arrivals to Hakea were not given a new set of underwear or other clothing on admission. Apparently this would be too expensive to provide. The inspection team was told that socks and underwear can be bought from the canteen. Such purchases are supposed to be sent to the laundry to be tagged, so it can take some days after admission by the time someone can actually wear non-second hand socks and underwear purchased from the canteen. Indeed, inspection staff observed socks and underwear hanging from bushes and draped along window bars in many units. Prisoners had resorted to hand washing these items themselves both for hygienic reasons as well as to ensure that they were not lost in the wash.

56 See Chapter 1 for a description of the double-bunking roll-out that was occurring at the time of the inspection which would reduce the need for prisoners to have to sleep on mattresses on the floor next to a toilet.

- 4.21 If prisoners are not allowed to wear the socks and underwear in which they arrived, then as a matter of human dignity, they should be issued with a new pair of underwear and a new pair of socks which they can hand-wash and retain until able to purchase such items from the canteen. Given that hand-washing of small clothes items is considered a necessity by many prisoners, consideration should also be given how this can appropriately be facilitated in units.⁵⁷

Recommendation 7

In the interests of human dignity, hygiene and disease control, all prisoners at Hakea Prison should be issued with a new set of underwear and socks on admission, and rigorous systems must be in place to ensure that these are returned to the same prisoners when they are sent away for laundering.

Prisoner purchases

- 4.22 Prisoners at Hakea Prison are able to make purchases from their own money or from the accumulation of gratuities, in accordance with the Inspectorate's standards relating to prisoner purchases.⁵⁸ Canteen services at Hakea presented as well organised and efficient. Given the current overcrowding, the canteen system at Hakea is doing well to meet the increased demand.
- 4.23 There are two canteens at Hakea – one on the east side and one on the west side. Prisoner access to the canteens is coordinated with prisoners residing in different accommodation units being able to make purchases at the canteen on different days. Prisoners lining up for the canteen are supervised by officers and there were no reports of bullying and/or standover tactics by prisoners in relation to accessing the canteen.
- 4.24 Although the prisoner population has increased since the last inspection, staffing levels, working hours, canteen accommodation and storage space remain unchanged. The Vocational Support Officers (VSOs) working in the canteen manage this through systematic processes of ordering and storing stock.
- 4.25 The heavy workload for the VSOs who work in the canteens was a matter highlighted in the last inspection report.⁵⁹ With very little increase in resource allocation since the last inspection and an increased prisoner population, it follows that workloads for officers have continued to increase.^{60,61} In order to maintain the efficient running of the canteen, the VSOs routinely forego scheduled meal breaks. Whilst this is not a sustainable arrangement, unfortunately this is one of the effects of overcrowding and demonstrates the pervasive impact that overcrowding has across the prison site.

57 Indeed, various electric and mechanical devices are now available to wash laundry micro-loads. It would be a good idea to trial some of these for use in units.

58 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 110.

59 OICS, *Report of an Announced Inspection of Hakea Prison - Report No 45* (September 2007), 56.

60 In their response to the draft report, the Department said that there has been an increase of 0.4 FTE in the Canteen VSO positions.

61 Prisoner canteen staff stated, however, that while they are notably busier throughout their shifts, they are able to complete all necessary tasks within the allocated timeframe.

Recreation

- 4.26 In his exit debrief, the Inspector noted that recreation is ‘an important safety valve’ in prisons, especially at times of severe overcrowding.⁶² Recreation provides an outlet for aggression and an opportunity to escape from the overcrowded environment of the units. This is particularly important because the shortfall in employment opportunities for prisoners at Hakea means that more prisoners have to spend more time confined to their units.⁶³
- 4.27 Prisoners who are not working can access recreation for most of the day. This is appropriate given that a significant proportion of the prisoner population is on remand, and the prison is unable to offer employment to all prisoners. The recreational facilities are spread across the vast site of Hakea. Whilst this aids prisoner access to recreation, it also makes it difficult for Recreation Officers to supervise all activities. The inspection team observed that, while there was a lot of recreation occurring on a daily basis, most of the activities appeared to be unstructured and unsupervised.
- 4.28 Local management acknowledged this situation, and were strong advocates of recreation. They advised that improving recreation was a priority. A formal schedule of weekly recreation activities was introduced about six weeks prior to the inspection. Before that, there was no formalised planning around what sort of recreational activities would be offered on any particular day.
- 4.29 Deficiencies in the type of recreation activity that was provided had also been recognised. Local management identified that recreation was overly focussed on highly physical activities, particularly football, and there was a need for more passive options for many prisoners. To this end, passive activities such as bingo and carpet bowls have been introduced in the hope that this will encourage more prisoners to engage in recreation. The structured recreation program that was recently introduced represents a more planned approach to engaging prisoners with a wide variety of physical abilities and interests.
- 4.30 Other factors hindering recreation at Hakea Prison include limited recreational infrastructure and equipment, and access to the gymnasium. The gymnasium and equipment is entirely inadequate for a prisoner population of 900. There is only a basketball half-court because the area is not big enough to fit a full court. There is some boxing equipment and some new exercise bikes and treadmills but this equipment is located in three small rooms that open into the main gymnasium. Each of these rooms could not fit more than five people using the equipment at a time.
- 4.31 There are two ovals at Hakea. There is a western oval that can only be accessed via the gymnasium, and a separate eastern oval. Access to the western oval is shared between Units one to five, Units seven to 10, and the protection prisoners in Unit six. None of these three groups may access the gymnasium at the same time. Because the western oval can only be accessed via the gymnasium, this oval is not accessible to prisoners from Units one to five whenever the gymnasium is being used by Units seven to 10 or the Unit six protection prisoners.

62 Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

63 See Chapter 6 for a description of prisoner employment at Hakea Prison.

This is a unique disadvantage for prisoners from Units one to five because they do not have another oval available to them, whereas prisoners from Units seven to 10 may use the eastern oval. This problem could be addressed if the prison were able to provide some other entrance to the western oval that does not require prisoners to pass through the gymnasium.⁶⁴

- 4.32 Local management are very well aware of the deficits in recreation at Hakea, and impressed as strongly committed to improving the situation. Their efforts to introduce a more structured recreation program are evidence of this. They have also made moves to replace the inadequate gymnasium as part of a submission for a Central Facilities Building. This building would contain a new gymnasium and canteen, and would also incorporate education and program functions. In the context of recreation, a new facility is entirely justified and would be a valuable tool to help the prison manage the elevated prisoner population.
- 4.33 The proposal for a central facilities building has been raised before at Hakea Prison and we understand that work is under way at head office in relation to this proposal. The Inspector commented in his exit debrief that ‘there is an awful lot of benefit and merit in the proposal that is being developed by Hakea for a central facilities building’ and that ‘it would be highly desirable to fast-track this’.⁶⁵

Recommendation 8

The Department should fast track the processes involved in progressing the central facilities building project.

Prisoner Support Services

- 4.34 There are two organised prisoner-based support services at Hakea Prison. One is the peer support team, and the other is the prisoner council. There can be between 20 and 30 prisoners on the peer support team at any one time. The peer support prisoners play a vital role in supporting prisoners who feel they need assistance adjusting to life at Hakea Prison. The peer support team at Hakea is managed by three Prisoner Support Officers. Overall the peer support system is functioning effectively and provides a valuable prisoner-based service to prisoners.
- 4.35 Whilst the peer support prisoners provide help and support to individual prisoners, the prisoner council has been established to advocate on behalf of all prisoners on issues affecting prisoners across the Hakea system. The prisoner council comprises 12 members – one prisoner from each unit except for Units five and eight, both of which have two representatives. The council meets fortnightly and has strong management representation at these meetings. The meetings are minuted and prisoners on the council use the minutes to feed back on the discussion and the outcomes achieved to the other prisoners in their respective units.

64 Subsequent to the preparation of this draft report, local prison management informed Inspectorate staff that they had addressed this issue of equitable access to the ovals.

65 Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

- 4.36 The prisoner council also provides opportunities for prison management to find out about the big issues affecting prisoners at Hakea, and to provide feedback regarding how and whether or not these issues can be addressed. This is a particularly valuable strategy given the overcrowding at Hakea Prison. Whilst some prisoner frustrations may seem trivial, they certainly are not so to the prisoners living in this overcrowded environment. The prisoner council at least provides a forum for prisoners' requests to be aired directly with local management. Prisoners and management alike commented on the value of this forum for both staff and prisoners.

Maintaining Relationships

Social Visits

- 4.37 Offenders enter the prison system with a network of social and familial connections. It is vital that the impact of incarceration on prisoners' outside relationships is minimised, and that these connections are maintained and nurtured despite the prison environment. The overcrowding at Hakea Prison is jeopardising this.
- 4.38 Visits must be booked by the visitors. The bookings officers stated that they received over 200 telephone calls per day. The visits centre can accommodate a maximum of 38 prisoners, as this is the number of tables in the centre. There are four, one hour visit sessions, seven days a week. The visit times are 8.30am, 10.00am, 1.00pm and 2.30pm. The 8.30am sessions on Tuesday, Thursday and Sunday, and the 10.00am session on Wednesday are designated exclusively for protection prisoners.
- 4.39 These visiting times are restrictive and do not provide for those visitors who work or attend school and who cannot therefore visit in the middle of a week day. Consequently, there was a disproportionate demand for visits on weekends and, at the time of the inspection in October 2009, these were booked out a couple of weeks in advance.
- 4.40 Bookings officers also advised, and custodial officers confirmed, that visitors were booking as many sessions in advance as possible to be guaranteed a place, but were not necessarily attending at all the visit sessions that they had booked. These unattended slots were wasted opportunities for other visitors who may have tried to book a visit for these times but had been told the sessions were fully booked.
- 4.41 At the time of the inspection, the senior management team at Hakea Prison was committed to considering alternative incentives for prisoners to try and ameliorate some of the impact of the overcrowding. One of the measures that was identified was the potential to have after hours visit sessions during the week. The Inspectorate supports initiatives such as this, which provide some relief from overcrowding.

- 4.42 Outcare is the contracted service provider providing welfare, childcare, and family support services from the visitors' centre in front of the gatehouse at Hakea. All social visitors to Hakea have to 'check in' at Outcare each time they visit before they can proceed to the gatehouse to be processed. Visitors interviewed expressed high levels of satisfaction with Outcare's services, and these sentiments were also reflected in the findings of a survey recently conducted by Outcare.
- 4.43 However, once the visitors have been through Outcare and are processed through into the prison for their visit, the family friendly approach diminishes. This is not to say that the officers, either in the gatehouse or in the visits centre, are rude or unfriendly. Rather, these comments relate to the arrangements within (and outside) the visits centre.
- 4.44 Inside the visits centre there is a small play area for children – approximately three metres square – which has some toys and a television. Inspection team members found that this area was under-utilised during visit sessions. There was also confusion around responsibilities in relation to the supervision of children in this area. Visitors are prohibited from moving from their allocated seat during visits and so if children using the play area require supervision the prisoner is expected to take responsibility for this. However, officers advised that prisoners are not encouraged to move to this area during the session, nor are staff expected to take responsibility if the child needs attention. This may explain why the use of the play area during the inspection was observed to be limited and the television was never switched on.
- 4.45 The integrated visits system (see below) at Hakea now means that protection prisoners share visit sessions with mainstream prisoners. A core of the prisoners in protection have this protected status in the prison due to their offences which often include crimes against children. It is, therefore, important that the supervisory responsibilities of children in the communal play area in the visits centre are strictly defined to ensure that prisoners who should be segregated from contact with children do not come into contact with children in this area. This situation could be relieved by the presence of a childcare worker in this area. This does occur at other facilities such as Acacia Prison (medium security) and Casuarina Prison (maximum security).
- 4.46 A small enclosed strip of lawn flanks both sides of the main visits room but is only accessible at family incentive visit sessions, which are held every third Saturday and are open to suitably approved and eligible prisoners. The opportunity for prisoners to positively interact with their family, especially children, should not be limited to certain prisoners only once every three weeks. Overall, facilities promoting pro-social interaction with children, particularly with older children, during visits at Hakea are deficient.

A New Integrated Visits System

- 4.47 As mentioned previously, there are four sessions per week designated for protection prisoners. A new integrated visits system that was introduced in the latter part of 2009 now also allows for protection prisoners to receive social visits with mainstream prisoners during other visit sessions. This initiative has increased the opportunity for protection prisoners to receive a social visit from four to 28 sessions per week. There are three tables set aside for protection prisoners at each of these integrated visit sessions. The purpose of this new system was to provide a more flexible service and improve equity of access to visits for protection prisoners.
- 4.48 An integrated visits system has been in place at Casuarina Prison (also a maximum security facility) for a long time and at the last inspection of Casuarina Prison, in July 2007, the Inspector described this system as a 'positive initiative'.⁶⁶ Since its inception at Casuarina Prison the integrated visits system has been well managed and as a result there have been very few incidents. Likewise at Hakea Prison, there have been no incidents recorded of tension between mainstream and protection prisoners in relation to attending the same social visit sessions, despite some initial concern on the part of some officers and the protection prisoners. This system is still in the early stages of development at Hakea Prison which may explain the reluctance of some protection prisoners to make full use of the increased opportunity for social visits.⁶⁷ Hopefully, over time any reservations these prisoners may have about the integrated visits will dissipate. The Inspectorate commends staff and management at Hakea for developing and implementing this new system so effectively.

Impact of Security Measures

- 4.49 Security procedures for social visitors to Hakea have been significantly augmented in recent months. In May 2009, biometrics technology, in the form of an iris scanner, was introduced to the social visiting security screening procedures at all of Western Australia's maximum security male prisons. No additional resources were provided to enable implementation of this technology and yet its introduction has generated an increase in gatehouse staff's workload,⁶⁸ over and above the increased workload associated with the increased prisoner population. The iris scanning technology, along with the use of drug detection dogs, remains a major source of frustration on the part of social visitors to Hakea Prison.
- 4.50 These security measures affect the duration of the visit session. A review of the social visitor feedback forms during the inspection revealed a significant number of formal complaints about visit sessions being shortened due to these security procedures. Interviews with social visitors, prisoners and staff confirmed this finding.

66 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 49 (March 2008), 39.

67 When integrated visit sessions were first introduced, up to four protection prisoners were able to receive visitors. However, due to the ineligibility for integrated visits and a less than expected take-up by eligible prisoners of these additional sessions, this number has been reduced to three. The number will revert to four if the demand can be demonstrated.

68 In particular the processing of Statutory Declarations for new visitors.

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- 4.51 This finding mirrors that in relation to security measures at social visits at the last inspection in 2006. In particular, this inspection discovered that the use of dogs for drug detection purposes was time-consuming and significantly truncating the actual visit time. To this end this Office recommended that ‘Hakea review the processes involved in the use of the drug detection dog on visitors to ensure that the length of visits is not significantly impacted’.⁶⁹ The Department did not agree with this recommendation, stating that there had been no formal complaints about visit sessions being shortened due to searches by the dog. It is no wonder then that this problem still exists at Hakea and complaints about this problem were most certainly evident during this inspection. Moreover, management expressed the view that the numbers of complaints received could be a lot higher if visitors did not feel that to complain would put them at risk of forfeiting their rights to visit.
- 4.52 The iris scanning technology referred to above is a mechanism for verifying the identity of social visitors to the prison to ensure that only those visitors who have been approved for a social visit attend the prison. Any new visitor must be registered onto the system which is a resource intensive exercise for the gatehouse staff. All visitors must stand in front of the machine which confirms their identity through iris recognition. Gatehouse staff commented that the elderly, short people, and many other groups have difficulty with this process and it may take a few attempts before their identity is confirmed and they can go through to the visits centre. This inevitably delays other visitors in moving through the gatehouse.
- 4.53 Inspection staff were informed that an evaluation of this system is in progress. The focus of this evaluation, however, appears to be on assessing the actual model of iris scanner being used as opposed to assessing the relative efficacy of such technology. The effectiveness of this system must be considered in the context of whether or not it has had an impact on the security issues it was designed to mitigate, as well as its impact on the processes for the visitors.
- 4.54 The point was made earlier in this section that the visiting arrangements at Hakea Prison are not as family friendly as they could be and they fall short of best practice at some other prisons. The findings in relation to the impact of the security procedures reinforce this finding.

Recommendation 9

Hakea Prison should implement a more family-friendly approach to social visits.

Innovation

- 4.55 Internet-based visits using Skype are a recent initiative at Hakea and this Office commends prison management, staff and Good Beginnings for this innovation.⁷⁰ In 2007, the Inspectorate recommended the use of Skype as an alternative method of conducting remote visits⁷¹ but there has been no progress on this to date except at Hakea.

69 OICS, Report of an Announced Inspection of Hakea Prison, Report No. 45 (September 2007), 65.

70 Good Beginnings is the external provider that has facilitated this service.

71 See OICS, Report of an Announced Inspection of Acacia Prison, Report No. 53 (June 2008).

- 4.56 Although Hakea has commenced the use of Skype, there are many limitations: in essence, it can only be used for remote visits with children under nine years of age providing their parent/guardian has consented. Prison management spoke highly of the benefits of the system when it had been used and envisage that it could be expanded to include all members of the family. Skype is far more workable than the existing and mostly under-utilised videolink option, which has been fraught with difficulties related to access to and functionality of equipment particularly for visitors in remote areas. Skype is also cost effective and more likely to be more accessible to many in the community as only a high speed internet connection is needed, rather than other specialised equipment.

Recommendation 10

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

Videolink Court – Service and Facilities

- 4.57 The standards relating to remand prisoners in the Inspectorate's Code of Inspection Standards include elements relating to assisting prisoners with their preparedness for court. Amongst these elements is a requirement that the prison 'facilitate video court appearances to minimise unnecessary transportation, where practicable and where to do so does not prejudice justice'.⁷²
- 4.58 The use of the videolink facility at Hakea Prison for court purposes has increased significantly. The total number of video linkups for court purposes in 2006 (when Hakea Prison was last inspected) was 587, compared with 1037 in the first nine months of the 2009 calendar year (up to September 2009). This is good practice and has been welcomed by prisoners who generally expressed a preference for remaining at the prison for particular types of court appearances, rather than having to undertake unnecessary and long transits to court.
- 4.59 The video link area of the prison features three courts, three phone cubicles for legal calls, one office, toilet facilities, interconnecting internal and external holding rooms, and three further holding rooms for segregated prisoners.
- 4.60 The Superintendent identified deficiencies in the holding areas of the videolink facility soon after he assumed the position at Hakea Prison and as a result commissioned improvements to this area in the form of an additional external, covered, unenclosed, 'caged' holding room. However, the increased use of the videolink facility along with the steady increase in the prisoner population has meant that, even with these improvements, the space is inadequate to meet the demand. Commonly on any given day, over 40 prisoners can be called to appear. With this number of prisoners, the conditions are cramped and offer little protection from the weather. Despite these conditions, the good management and well organised processes have averted any possible threats to the efficient functioning of the facility. Prison management should investigate possibilities for extending these holding facilities to ensure the continued use and effectiveness of this facility.

72 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 6.6.

Religious and Spiritual Needs

- 4.61 The religious and spiritual needs of prisoners at Hakea Prison are satisfied by five chaplains, two other clerics and Jehovah's Witness representatives who regularly attend the prison. The rise in the prisoner population has placed a strain on pastoral services in the prison, and staff and prisoners alike commented that this service is becoming more and more focussed on crisis management.
- 4.62 Prisoners told inspection staff that, in the past, the chaplains have wandered through the units, even joining prisoners in their evening meals on occasion. This presence of the chaplains in the units socialising with prisoners was a source of comfort for many prisoners. The increased demand on the chaplains' time due to the increased prisoner numbers has meant that these opportunities are now lost.

HEALTH

- 4.63 The health centre at Hakea has long been a major source of concern for prisoners, officers, prison management and those working within the health centre. Despite numerous reviews, investigations, representations, complaints, personnel changes and reorganisations over recent years, the underlying issues appeared just as complex at the time of the inspection.
- 4.64 The previous inspection of Hakea Prison identified chronic problems with the management of the health service at Hakea, including interpersonal problems within the centre and a range of service delivery problems. In a letter to the Commissioner of the Department of Corrective Services following that inspection in 2006, Professor Richard Harding, the then Inspector of Custodial Services, emphasised the need for a substantive Director of Nursing within Health Services, supported the notion of a Business Manager at Hakea and some specific reforms including an effective appointments system. He stated that 'there is no structural reason why the Hakea Health Service should be so defective as it is'.⁷³
- 4.65 The report of that inspection included a recommendation that these chronic problems be addressed 'as a matter of the utmost urgency'.⁷⁴ The Department accepted this recommendation, applying a high risk rating, and said it was introducing a 'suite of measures' to address the situation, including:⁷⁵
- Continued recruitment to fill vacant positions;
 - Formation of a transition team;
 - Independent grievance officer report and follow-up counselling;
 - Staff workshop and 'healing day'; and
 - Investigation by the Department's Internal Investigation Unit.

73 Harding, RW: Letter to I Johnson, Commissioner, DCS re Hakea Health Centre (20 October 2006).

74 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 59. Earlier reports (*Report of an Announced Inspection of Hakea Prison*, Report No 12 (March 2002) and *The Diminishing Quality of Prison Life: Deaths at Hakea Prison 2001-2003*, Report No. 22 (March 2004) had also raised concerns about health services at Hakea.

75 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 87.

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- 4.66 In its response to the recommendation, the Department also maintained that a new community standard appointment system had been introduced, which had ‘greatly improved service delivery at the Hakea Health Centre’.⁷⁶
- 4.67 Despite this commitment, the situation in the health centre at Hakea Prison continued to deteriorate. Constant monitoring of this situation through the Inspectorate’s liaison visit system, reports from this Office’s Independent Visitors to Hakea Prison and information obtained from other agencies about the health system at Hakea were so concerning that, in June 2009, the Inspector issued a Risk Notice to the Department about prisoner health services in general and at Hakea in particular.
- 4.68 Interactions with prisoners in focus groups prior to the inspection in October 2009 and in other forums during the inspection were dominated by concerns about the medical service. Staff expressed a similar level of concern, regarding issues with the health service as one of the major contributors to elevated tension in the prison. Health staff were themselves equally unhappy with aspects of the service and in particular with changes imposed by health services management.

Health Care Services at Hakea Prison

- 4.69 Health service provision at Hakea is diverse. It is organised into two teams, one providing primary care, and the other co-morbidity services, which includes addictions and mental health service provision.
- 4.70 The primary health care team staffing comprised a Health Centre Manager, three Medical Officers (doctors), 11.49 Nurses, a Medication Assistant, and four Administrative Officers. This team’s role includes:
- Health screens on admission by a nurse with a full health assessment by a doctor within 28 days;
 - Assessment and treatment of medical conditions through self referrals or other referrals;
 - Chronic disease care and management;
 - First aid and emergency response;
 - Treating and managing prisoners with or at risk of developing blood borne viruses;
 - Referrals to visiting services including physiotherapy, podiatry, phlebotomy, dental and optometry; and
 - Referrals to off site specialists as required.
- 4.71 The co-morbidity team staffing comprised a Senior Psychiatrist, part time Psychiatrist, 6.7 Nurses, and an Administrative Officer. This team’s role includes:
- Assessment and management of clients with mental health issues;
 - Assessment, therapy and pharmacotherapy for clients with addictions issues; and
 - Provision of a group therapy program.

76 Ibid.

Access to Health Care

- 4.72 The main complaint from prisoners was about access to the health service. Two months prior to the recent inspection, a major change occurred in the way prisoners self-referred to the health service. Until then, prisoners self-referred by submitting a blue form into a box in their unit. On receipt of this form at the health centre, the request was triaged by nurses based on the nature of the complaint as indicated on the form. Those deemed serious and urgent were seen within a few days, but most others were placed on waiting lists that extended out to weeks or months. Prisoners were not informed when they could expect to be seen.
- 4.73 However, at the end of August 2009, prisoners were issued with a card which they were to use to gain access to the health centre. The card has a red cross on one side and the prisoner's identification details on the other. A prisoner wishing to attend the health centre for a medical complaint must place his card into a specified box in his unit. The new system was meant in part to remedy the disadvantage faced by illiterate prisoners in completing the blue form. It also accompanied a major change of practice whereby prisoners would see a doctor in the first instance, as they would in a community-based clinic, rather than a nurse, as had been the system at Hakea up until August 2009.
- 4.74 While it is good practice in theory for a prisoner to be assessed by a doctor, in practice it depends on whether the self-referring prisoner is assessed in a timely fashion. The Hakea health centre, however, was patently under-resourced to cope with the numbers of self-referrals received through the card system. At the start of the inspection, over 400 prisoners, or over 45 per cent of the prison population had submitted their cards. There had been no improvement in waiting times for an initial consultation for most prisoners, with most claiming a six to eight week waiting period. This was confirmed by an examination of clerical records. Many said that by the time their turn had come to be seen, their medical condition had abated. While they had survived without treatment, a number endured real fears for their health or significant levels of pain. In addition, those seeking dental attention had no way of requesting dental services directly. They still had to wait the eight weeks or so to be seen by a doctor before they could be referred to and waitlisted for another considerable period to see the dentist.
- 4.75 This new system effectively excluded nurses from the initial process of assessing prisoners who had requested to attend the health centre. Under the old, 'blue form' system, there was some information as to the nature of the medical complaint written on the form, which provided the nurses with some information that they could use to assign a priority level to the request. This was no longer possible under the new card system that only included the prisoner's identification number and no other information. Further, it was no longer nurses who would assess the prisoner once their appointment came up, it had to be a doctor.

- 4.76 Records for October 2009 showed that on average, 1.8 doctor's clinics per day were provided at Hakea Health Centre each week. The doctors' priorities for these clinics were consultations for chronic disease management, admission assessments, urgent referrals and weekly reviews of nicotine patches. Initial consultations for self-referred patients were sprinkled across clinics when not filled with these other priorities. It seems clear that the card self-referral system could never have worked without a full-time doctor dedicated for these initial assessments.
- 4.77 Records also indicated that an average of 2.6 general nurse clinics were provided per day during October 2009, but that many of these clinics were significantly underutilised. It was only when the high numbers of outstanding self-referrals was questioned by Inspectorate staff that Departmental Health Services management either amended the policy to allow nurses to assist with assessing the self-referrals or clarified its policies.⁷⁷ As a result, by the end of the two week inspection period, the waiting list had reduced to under 200. Whilst this would have reduced the waiting time for a prisoner to access the health centre and was therefore an improvement, this waiting time would still not have been in line with community standards. Prisoners were also issued with a dental card, to request dental services directly.
- 4.78 This situation is wholly unacceptable. Access to medical care is a right not a privilege. This does not of course mean that treatment has to be provided instantly. But a person in need of medical attention should have the opportunity to be assessed as to the severity and urgency of their condition as soon as possible after the need arises.

Recommendation 11

That health services ensure that all self-referring patients at Hakea are assessed in person or by phone within 24 hours for prioritisation of treatment and given an appointment to see a clinician. A patient presenting to unit staff with a high degree of discomfort should be able to attend at the medical centre directly, as if to a hospital.

Managing Health Services' Staff at Hakea

- 4.79 The inconsistencies uncovered in this appointment system were really only indicators of much more extensive and insidious problems with the health service at Hakea Prison, in particular the broader management of this service and the staff by head office. The inspection narrowed this down further to ineffective administration by health services at head office level, a lack of administration at local level and an entrenched staff culture resistant to change.

⁷⁷ Departmental health services management claimed there was no change in policy but that Hakea staff had, wilfully or otherwise, misinterpreted the instruction that had been issued in the first place. Hakea medical staff, insist that they confirmed their reading of the policy with management when it was first implemented. It is not for us to form, an opinion on this but the changes were undoubtedly badly managed.

- 4.80 A few weeks before the inspection, the acting Nurse Manager and Business Manager both refused to work in the health centre at Hakea Prison any longer due to what they considered an uncooperative and belligerent attitude on the part of the other staff in the centre. The Business Manager was said to have continued to perform the role from head office, an obviously untenable situation. On 23 October 2009, three days before the start of the on-site inspection of Hakea Prison, the medical staff at Hakea Prison were informed that one of the doctors who provided services to the health centre had been made responsible for the clinical governance of the medical staff for the time being. Three nurses did not arrive for work on the first two days of the inspection. A view widely expressed to inspection team members was that this was a direct consequence of the decision that had been made in relation to the new leadership in the centre, and failing to attend would certainly emphasise their dissatisfaction to the inspection team. This was not the only repercussion of course and at least one prisoner complained to the inspection team that he was not able to receive his essential pain relief medication as a result of the depleted nursing staff on that day.
- 4.81 However, it was impossible to determine how far the problems were internal to the Health Centre and how far they reflected the breakdown in relationships with head office. The medical staff at Hakea Prison (and many other prisons) had complained to the Inspectorate before the inspection about the lack of sound leadership and management from head office administrators. The actions described above confirmed their sense of frustration and should be regarded within this dysfunctional management context. There had been a number of staff cutbacks in the previous months including restrictions on relief staffing, reduced use of agency staff, reduced coverage on rosters and termination of long-term contract staff. The explanation for these decisions was always budgetary constraints on health services.
- 4.82 A staffing review of health services in early 2009 had found that many positions in health services were effectively unfunded. Health Services would have to make do with the staffing establishment as it existed in 2004, before the Department of Corrective Services was created. Efforts to ameliorate this serious correction were further hampered by the requirement for a three per cent cut in expenditure imposed on all government agencies by the State Treasurer in early 2009.
- 4.83 The need to reign in expenditure was exacerbated by changes in relation to staffing positions and resources in the health centre at Hakea. A nurse position was converted into a Business Manager position, and there has been an increase in doctors at the expense of the nursing staff. Whilst these may be positive reforms, the decision-makers did not manage these change processes in a proactive and collaborative way. Good practice in change management requires extensive consultation with staff and their unions, a published timetable for change, regular updates on progress and assistance to individuals affected by change. There has been little evidence of this from health services administrators at head office.

- 4.84 Local managers could have been expected to provide support and guidance to staff in difficult times and mediate local concerns back to head office. But Hakea has lacked a substantive Nurse Manager for many years. The acting Business Manager had only commenced in April 2009. Regardless of the presence (or absence) of local managers, it was evident that health staff at Hakea were micro-managed from head office, frequently by email directives.
- 4.85 The lack of a substantive Nurse Manager at Hakea is likely to have contributed to the decline in the delivery of health services over the years. In the first instance, health services were unable to retain a Nurse Practitioner at Hakea. On the other hand, Enrolled Nurses have had to be employed in nursing roles. Latterly, two medical assistants have been deployed to administer medicine in units instead of registered nurses. Medical assistants are clerical officers with no medical training at all. In dispensing medicine from pre-filled, multi-dose blister packs, they have no ability to quality control dosage levels, the cannot address issues with prisoners about their medication or their condition, nor can they issue Panadol or other analgesics, if requested. The deployment of medical assistants is of great concern to medical staff and prison staff alike. It represents a significant drop in the quality of care to prisoners and a reduction of contact between nursing staff and staff and prisoners in units throughout the prison.
- 4.86 While nurses generally have excellent skills and remain committed to their work, the lack of effective clinical governance coupled with environmental factors such as sustained work pressures appear to have allowed a negative work culture to have survived among some staff. A particular concern, one noted in the previous report, is persistent reports of rudeness to prisoner patients. This was raised with the Inspectorate through prisoner complaint letters, during visits by this Office's Independent Visitors and prison liaison monitoring system, as well as various contacts during the present inspection.
- 4.87 Many prisoners express themselves poorly and some are rude or abusive, even with medical staff. The situation is exacerbated by the level of frustration experienced in accessing medical treatment and belief by many that their medical complaint is not being taken seriously. It can be hard at times to maintain equanimity in such circumstances, but medical staff are required to treat all patients with professionalism and respect. It is incumbent on management to ensure that a proper work culture is maintained by all staff.
- 4.88 These very negative inspection findings in relation to health services are unfortunate but were not unexpected. However, it is important to stress that, despite the negative findings, the medical staff were for the most part doing their best in extremely difficult circumstances. The issues in the health centre are concerning in their own right. The added stress of overcrowding further impacted on their workload particularly considering there had been no significant changes to their staffing levels to manage the increased prisoner numbers.

- 4.89 Finally, the health centre is in desperate need of strong on-site leadership. The allocation of such a leadership role to one of the doctors, whilst contentious for the nurses, is a positive initiative and should continue to be supported and developed. It is, however, a temporary and reactive move put in place due to the tensions at the centre. More importantly, the established positions of nurse manager and business manager need to be substantively filled with urgency and located permanently on site.

Recommendation 12

Decisive action must be taken to engage all staff in change management processes and efforts made to improve the staff culture in the Hakea Health Centre.

Recommendation 13

The nurse manager and business manager positions must be substantively filled and these must be located on site at Hakea Prison.

Management of Substance Use⁷⁸

- 4.90 In his overview of the 2006 inspection report, the then Inspector of Custodial Services commented on the use of methamphetamines amongst prisoners entering Hakea and the effect this has on managing an already complex population.⁷⁹ The current inspection did not find amphetamines to be such a prominent issue but did find a concerning reappearance of heroin use. Security reports and urinalysis results indicate that the use is limited to a small number of known users who traffic internally secreted heroin into the prison.
- 4.91 Heroin is a rare and expensive commodity in the community and even more so in a prison setting. The presence of heroin in a prison is often linked to increased violence and standover as prisoners attempt to obtain the drug. Tolerance to heroin is also very low in a prison population as, in spite of myths that state the contrary, it is very difficult to maintain regular use while imprisoned. The lack of tolerance leads to an increased risk of overdose which can be fatal.
- 4.92 Indeed, Inspection staff were notified that there had been four non-fatal heroin overdoses at Hakea in recent months. Prison staff and prisoners identified and named the four prisoners involved in these overdoses. This information came from a number of sources, including prisoner intelligence obtained by the security team. The overdoses were not formally reported to staff and no medical help was sought. The risk of a fatality, therefore, is increased in a prison as prisoners will not seek help.
- 4.93 Two issues arise out of this discovery of the alleged overdoses during the inspection. The first is the support available for prisoners with a history of heroin use, and the second relates to the strategies available for the security team to monitor and detect the trafficking of internally secreted heroin.

78 The Inspectorate would like to acknowledge the assistance of the two experts from the Drug and Alcohol Office who inspected this aspect of prison operations during the inspection.

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

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- 4.94 In relation to the first issue, the inspection found that the Opiate Pharmacotherapy Replacement System ('the Methadone program') is functioning well at Hakea Prison. There are currently 51 prisoners on the Methadone Program and eight prisoners on Suboxone. Those coming into the prison already on a pharmacotherapy program are identified and dosed in a timely manner. Those wishing to start on the program in the prison, however, are expected to wait six weeks, over which time a series of assessment interviews are conducted. The wait is intended to delay the decision and test the prisoners' commitment to Methadone, a highly addictive drug and difficult to detox from. Normally this would be sound practice but given the increase of heroin use in the prison and the potentially fatal impact of this, this process should be expedited for those prisoners with a confirmed heroin use history. This should result in a more immediate reduction in the demand for heroin amongst known users once they have entered the prison system.
- 4.95 In relation to security strategies available to detect and prevent trafficking of heroin into the prison, the security team are aware of the main organisers for drug distribution within the prison, but lack the intelligence systems, surveillance capability, resources and, significantly, the adherence to good dynamic security to have the impact they would like. The prisoners involved are subject to surveillance and regular urinalysis and do suffer the consequences of additional prison charges when caught. However, in current circumstances, trafficking will continue to pose risks to the safety of staff and prisoners in this prison.
- 4.96 The 2006 inspection report made four recommendations relating to Hakea's drug management strategy. Positive progress has been made in relation to the recommendation regarding training of custodial, counselling and health staff around drug and alcohol issues.
- 4.97 Since this recommendation, the Department has been negotiating with the Drug and Alcohol Office to develop appropriate workforce development programs. The Department has signed a Memorandum of Understanding with the Drug and Alcohol Office to provide drug and alcohol training for all entry-level operational prison staff. New recruits now receive two day training on how to respond effectively to alcohol and drug affected prisoners as part of their Entry Level Prison Officer training. The Department is also working with the Drug and Alcohol Office to identify ongoing training needs including refresher courses for staff who have been with the Department for a period of time and for those located in regional areas.
- 4.98 At the time of the last inspection, a Drug Strategy Committee had been established at Hakea Prison which 'provided an opportunity for management, custodial and health staff to exchange information and provide specialist input to projects'.⁸⁰ At the current inspection of Hakea Prison this committee had been discontinued. In a prison such as Hakea, with its complex drug and alcohol issues, the value of such a committee cannot be understated and this committee should be reinvigorated.

80 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007), 62.

PHOTOGRAPHS



The prisoner treatment area in the Health Centre.



Notification to prisoners of the change in the health appointment system.

PHOTOGRAPHS



At the time of the inspection, a number of prisoners had to sleep on mattresses on the floor due to the overcrowding.



The prison was in the process of installing double bunks like these across the prison site.

PHOTOGRAPHS



Another view of a double-bunked cell.

PHOTOGRAPHS



The vegetable garden and chicken coop outside Unit 8 which are tended by the SAMS prisoners.



The prison facilities are overcrowded for staff too.

Chapter 5

MANAGING A DIVERSE POPULATION

THE TREATMENT OF FOREIGN NATIONAL PRISONERS

5.1 The Code of Inspection Standards incorporates elements specifically relevant to foreign national prisoners. These include:⁸¹

- Reasonable facilities to communicate with diplomatic and consular representatives;
- Special consideration in relation to maintaining family contact;
- Strategies to overcome any language barriers;
- Diversity training provided to prison staff; and
- Assistance with resettlement.

5.2 The predicament of the foreign national prisoners at Hakea Prison was concerning. Whilst there was no evidence pointing to a systemic culture of discrimination against this group of prisoners, it was evident during the inspection that there were groupings within this cohort that were seriously marginalised. In this respect, the standards referred to above were not being met.

PROFILE OF FOREIGN NATIONALS AT HAKEA PRISON

5.3 At the time of the inspection in October 2009 (27 October 2009 to be exact) there were 184 foreign national prisoners at Hakea Prison. This was out of a population of 890 prisoners on that day. The table below depicts the breakdown of the largest groupings of foreign national prisoners. The remainder of the foreign nationals at Hakea were dispersed across a range of nationalities, including Croatian, Irish, Scottish, South African, Italian, German, Turkish and Japanese.

Nationality	Number
Indonesian	40
English	25
African	18
New Zealand Maori	12
Vietnamese	11

5.4 Indonesian prisoners were by far the largest group of foreign nationals (22%). They were also the most marginalised by virtue of the fact that they experienced the most difficulty with the language barrier. The other groupings of foreign nationals did not appear to have the same difficulty communicating in English.

INDONESIAN PRISONERS

5.5 In the months preceding the inspection of Hakea, the Office became concerned about the management of Indonesian prisoners through its liaison process and the Independent Visitors Scheme. In particular, the Independent Visitors had raised specific issues on behalf of these prisoners that the Department seemed either reluctant or sluggish to progress. The inspection process provided evidence to support and solidify these concerns.

81 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 74.

- 5.6 As long as illegal fishing and people smuggling continue to plague Australia's shores, it is safe to assume that the number of foreign nationals entering the Western Australian prison system – generally convicted under Commonwealth legislation – will continue to rise. The recommendations relating to foreign nationals at Hakea Prison at the end of this section are based on this premise. These recommendations emphasise the urgent need for the Department to invest commitment and resources into developing a comprehensive strategy for managing these individuals in Western Australian prisons.
- 5.7 The 2009 inspection found a haphazard approach to managing this cohort of prisoners. There was no overall strategy within which these prisoners were being managed. The goodwill of other prisoners, management by staff and the fact that they were accommodated together with other Indonesians were the primary drivers in managing this compliant group. Inspection team members interviewed 32 out of the 40 Indonesian prisoners incarcerated at Hakea Prison at the time of the inspection in October 2009. These interviews were conducted through an official interpreter.

Treatment by Staff

- 5.8 The Indonesian prisoners are by nature a compliant group of prisoners. They tend to stick together and 'do their time' without fuss. This makes them an easy group of prisoners to manage. That said, all of the Indonesian prisoners interviewed said that they were well treated by staff.
- 5.9 This is commendable given the lack of any diversity training for staff to equip them with particular tools and skills to manage diverse prisoner populations such as the Indonesians at Hakea Prison. The provision of diversity training is one of the standards included in the Inspectorate's Code of Inspection Standards pertaining to the treatment of foreign national prisoners.

Language Barriers

- 5.10 The majority of the Indonesian prisoners could not speak or understand English.⁸² There were, however, some other prisoners and staff members who were fluent in Bahasa Indonesia ('Indonesian') and likewise some of the Indonesian prisoners could understand and speak English. Nevertheless, communication between these prisoners and staff and other prisoners was stilted and rather haphazard. When necessary, staff who speak Indonesian were used to convey messages and announcements to these prisoners. Officers in the units relied on prisoners in the units who could speak Indonesian to deliver messages to the Indonesians.
- 5.11 Whilst this ad hoc system of communication appeared to be working on the surface, there are a number of inherent problems with this system. Using other prisoners as interpreters is problematic in that the prisoner delivering the message may have an ulterior motive and the officers cannot monitor the exact nature of the message being delivered because they do not understand the language. Likewise, officers who are used to interpret for these prisoners could be compromised if the message they deliver is misinterpreted. Essentially utilising prisoners or staff as interpreters is a conflict of interest and is not a trustworthy system.

82 The point is made in chapter 6 that the increase in the foreign national prisoner population has necessitated the addition of an English class in the education centre.

- 5.12 The non-English speaking Indonesian prisoners were also compromised in relation to their ability to communicate medical issues they may be experiencing to medical staff who did not speak their language. These were being managed on an ad hoc basis through other prisoners who could communicate on their behalf. Again, this is not an ideal situation as a prisoner with a medical issue about which he feels sensitive may choose not to seek treatment for the complaint rather than have to relay the details of his complaint through another prisoner or staff member. Indeed, members of the inspection team encountered such an incident during the inspection. One Indonesian prisoner reported through another Indonesian prisoner that he had been suffering from a rash. The prisoner was then escorted to the medical centre by staff almost immediately. Staff did, however, express concern over this incident as they were not sure how long the prisoner had suffered from the rash, which had implications for them and for other prisoners should the rash have been contagious.
- 5.13 Prison management had attempted to overcome the language barrier by submitting a proposal for relevant material to be translated into a language that the majority of these prisoners could understand. This material included the orientation material as well as prison rules and regulations. The proposal was not progressed further as it was considered to be prohibitively costly. The consequence of this for the Indonesian prisoners was that they were potentially missing out on crucial information or hearing it second hand. For example, the word-of-mouth system at Hakea was so effective that all of the Indonesian prisoners who were interviewed said that they did receive a \$10 phone call allowance, but most said that they heard about it through other prisoners rather than being formally advised of the allowance.
- 5.14 These findings reiterate the urgent need for a defined strategy to manage foreign national prisoners that includes measures to overcome these barriers.

Legal Support

- 5.15 Only four out of the 32 Indonesian prisoners interviewed during the inspection appeared properly aware of what was happening with their court cases. Whilst some had been appointed lawyers to represent them, they remained confused as to the progress of their case through the judicial process.

Food

- 5.16 The menu at Hakea is essentially a Western diet that is alien to most of the foreign nationals. The Indonesian prisoners in some units had access to rice cookers and in Unit six they were given the opportunity to stir-fry meat or vegetables. Vietnamese and other Asian prisoners in Unit eight also make use of such facilities.
- 5.17 People wanting rice in other units have to request it through a unit interview form every week. Trays of steamed rice are then supplied twice during the following week. If prisoners fail to ensure someone makes such a request, or wing officers are too busy to process these forms, rice is not provided. Religious diets can be requested. For the Indonesian prisoners, these diets exclude pork; however, no certified Halal meat is provided (see Recommendation 6 above).

- 5.18 As a staple, rice is extremely important to some people and should be more freely available in all units. Noodles are equally important to some Asians and should also be available as a staple. A rice/noodle cooker should be available in every unit.

Religious Requirements

- 5.19 There are Christian and Muslim Indonesian prisoners. Whilst all felt free to practise their religion, they were hampered in this by a lack of access to the items they require to meaningfully engage with their religion. These items included prayer mats, sarongs, prayer hats, and holy books. Some of the Indonesians said that they had these items but they had been retained in the prison's property store when they arrived at Hakea Prison.
- 5.20 This Office has advised local prison management of these issues and has suggested that management remedy these as soon as possible. Whilst management was receptive to 'fixing' these issues on behalf of the Indonesian prisoners, progress has been slow and at the time of writing (December 2009) the Indonesians were still complaining about the lack of necessary religious accoutrements. Prison management has once again committed to progress this as soon as possible.

Indonesian Prisoners in Protection

- 5.21 Unit six is the protection unit at Hakea Prison. At the time of the inspection in October 2009, whilst the rest of the prison was struggling to manage the unprecedented levels of overcrowding, Unit six was operating under capacity.⁸³
- 5.22 The prisoners in Unit six provide the sole workforce for the laundry. This is an essential service not only for Hakea prison but also for other facilities including Casuarina Prison and the East Perth Watch House that rely on Hakea's laundry service. When the population in Unit six drops so does the number of prisoners available to work in the laundry and keep it operating.
- 5.23 As a consequence of the under-utilisation of Unit six, prison management approved a proposal submitted by officers in units six and seven to move a group of Indonesian prisoners into Unit six to increase the population in the Unit and thereby provide a workforce for the laundry. The Indonesian prisoners approached were apparently those prisoners accommodated in Unit seven (the induction unit) and others across the prison site who were unemployed and not engaged in education.
- 5.24 Traditionally there is a stigma associated with being in protection among any prisoner population. This is a perception that is particularly strongly held by prisoners at Hakea Prison. The reluctance of some prisoners to utilise the new integrated visits system is an example of how targeted protection prisoners feel by their mainstream counterparts.⁸⁴ The Inspectorate is well aware of the issues surrounding protection status, particularly at Hakea, and so inspection team members investigated the placement of the Indonesian prisoners in Unit six very thoroughly.

83 On the first day of the Inspection, 26 October 2009, the Unit 6 population was 62. The capacity of Unit 6 is 78.

84 See Chapter 4 of this report.

- 5.25 Inspection team members were originally informed that the arrangement for the Indonesians in Unit six was a 'sleepover' arrangement. According to this model, these prisoners would eat and sleep in the unit, and work with other Unit six prisoners in the laundry, but they would have access to external activities like recreation with other units. In other words, the protection regime of Unit six would not apply to them on the whole – they would not need to be escorted around the prison by officers and could recreate and socialise with other Indonesian prisoners across the prison site. Inspection team members were also informed that these prisoners had been informed about Unit six and were aware of the possible assumptions and implications around being in a protection unit.
- 5.26 In the weeks and months following the inspection it has become evident that the so-called 'sleepover' arrangement for the Indonesians in Unit six is not the regime by which they are being managed. Rather, these prisoners are subject to the same regime as the protection prisoners in the unit. This means that they do have to be escorted by officers around the prison thus restricting their movement across the prison and they are restricted to Unit six recreation times. Further, it has become clear through Independent Visitor reports that the Indonesian prisoners were not necessarily as comprehensively informed or really fully understood what they were being told about the unit and the attitude of other prisoners to those residing in Unit six as prison management had led the inspection team to believe, and some of the Indonesians have expressed a wish to be moved out of the unit. Inspection team members have also learned subsequently that some of the Indonesians who were moved into Unit six did in fact wish to engage in education, specifically the English language course, but the restrictive regime of Unit six does not facilitate this.
- 5.27 Theoretically the inclusion of the Indonesian prisoners in Unit six was a sound initiative. It provided labour for the laundry and more importantly a labour force that really wanted to work. The manner in which the transition has been managed and the effect on the Indonesian prisoners, however, suggests poor planning / communication at best, and a degree of exploitation at worst. Further, the information originally provided to the inspection team as to how these prisoners would be treated turned out to be false. At best this seems to be an example of the left hand not knowing what the right hand is doing. Any request by an Indonesian prisoner to be transferred out of Unit six should be actioned immediately by prison management, regardless of the effect this may have on the operation of the laundry. This is a human rights issue that cannot be dismissed in the interests of a prison industry.

Recommendation 14

Hakea Prison must ensure that the day to day requirements of the Indonesian prisoners (and other specific groups) are met, such as access to appropriate food (see Recommendation 6), improved communication, and provision of all the necessities for religious practice.

Recommendation 15

The Department must develop and implement clear standards with regard to the management of foreign nationals within the Western Australian prison system.

ABORIGINAL PRISONERS

- 5.28 In July 2008, the Inspectorate published its inspection standards for Aboriginal prisoners. These standards provide a framework for managing Aboriginal prisoners in custody in ways that are decent, respectful of Aboriginal culture and dignified. There was no specific prison-based strategy for managing Aboriginal prisoners at Hakea at the time of the inspection. Combined with the Inspectorate's findings regarding the poor circumstances of the Indonesian prisoners, it would seem that the prison is struggling, especially given the overcrowding pressures, to provide appropriate and meaningful services, support and resources for its diverse, multi-cultural prisoner population.
- 5.29 Aboriginal prisoners generally comprise between 30 and 40 per cent of the prisoner population at Hakea Prison. This is a significant cohort. At the time of the inspection in 2009, there were 235 Aboriginal prisoners in custody at Hakea Prison, an increase from 176 in July 2006. The findings of the 2009 inspection mirrored those of the 2006 inspection which found that services directed at this group of prisoners were lacking and had failed to keep pace with the increased Aboriginal prisoner population.

Indigenous Services Committee

- 5.30 In response to the Inspectorate's recommendation arising from the 2006 inspection that an elders program be established, the Department committed to establishing an Indigenous Steering Committee comprising prison staff, Aboriginal Visitors Scheme (AVS) representatives and ambassadors from various Aboriginal groups.⁸⁵ Whilst this sidestepped the precise requirement of the recommendation about an elders program, this was nevertheless a step in the right direction.
- 5.31 This committee was to be established to drive the development and provision of services designed to meet the diverse needs of Aboriginal prisoners at Hakea Prison. Inspection team members obtained evidence of the functioning of this Committee in the form of minutes of the meetings as recently as July 2009. So the Committee was functioning. Why, then, were the Aboriginal prisoners still so deprived in terms of services for them and where was the overall Aboriginal prisoner management strategy?
- 5.32 Hakea Prison management acknowledged during the inspection that this Indigenous Services Committee has lacked focus and direction and that a strategic approach to planning and delivering services to Aboriginal prisoners at Hakea Prison is lacking.
- 5.33 Nonetheless, some piecemeal initiatives, such as inviting Aboriginal elders into the prison for different events several times a year, and incorporating special barbecues into the structured recreation program, have been introduced. However, of the numerous Aboriginal prisoners interviewed during the inspection few seemed to know about these. A proactive strategy for consistently and routinely encouraging and strengthening Aboriginal spirituality is not established at Hakea Prison.

85 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 88.

Provision of Culturally Appropriate Food

5.34 In 2006 this Office recommended that the prison should provide more traditional food for Aboriginal prisoners at Hakea Prison. Provision of culturally appropriate food to the Aboriginal prisoners at Hakea remains limited to days and events of cultural significance and is not a regular part of the menu. The prison has been unable to expand the provision of kangaroo meat or other bush foods as part of the regular diet. The explanation given for this was that such commodities are not widely available and are thereby expensive. The cooking of damper, however, is inexpensive and could be facilitated much more widely, including in units, perhaps on weekends. Opportunities should continue to be explored to extend the availability and range of Aboriginal cultural foods.

Prisoner Support Officers (PSOs) and the Aboriginal Visitors Scheme (AVS)

- 5.35 Aboriginal prisoners at Hakea Prison are most supported by the Prisoner Support Officers (PSOs) who work in the prison, and the Aboriginal Visitor Scheme (AVS) representatives who attend the prison regularly. Indeed, these independent systems were working well at Hakea Prison and were providing valuable services to the Aboriginal prisoners there.
- 5.36 There are three PSOs at Hakea Prison – this number is appropriate given it is such a vast and complex site. The PSOs lead a strong peer support team at Hakea which comprises between 20 and 30 prisoners at any given time. The PSOs have successfully lobbied management by way of a submission for funding for extra paid positions on the peer support team in order to increase the number of peer support workers and to more adequately represent the interests of the broader prisoner population given the increase in prisoner numbers.
- 5.37 The PSOs are also involved in the orientation process and they have a good working relationship with the orientation officers. The orientation officer refers each new young offender, first time offender and out of country prisoner to one of the PSOs at Hakea. This provides an opportunity for these prisoners to receive support and to receive essential information about the resources and support available for them at Hakea Prison, like the Aboriginal Visitor's Scheme (AVS).
- 5.38 Four AVS visitors attend the prison four times a week. The minutes from the July 2009 meeting of the Indigenous Services Committee included comments about increasing AVS coverage at Hakea Prison given the overcrowding, although this had not eventuated by the time of the inspection in October 2009. Prisoners generally spoke positively about the service the AVS visitors provide and the AVS visitors remarked on a good working relationship between themselves and prison management. However, the remote Aboriginal prisoners commented that they rarely saw the AVS visitors because they spend most of their time with the Noongar population.

Recommendation 16

Hakea Prison must reinvigorate the Indigenous Services Committee whose first task should be to develop a detailed strategy for managing both in and out of country Aboriginal prisoners.

PROTECTION PRISONERS

- 5.39 Unit six is the designated accommodation unit for protection prisoners. The capacity of this unit is 79 prisoners. At the time of the inspection in October 2009 the unit was operating under capacity with around 62 prisoners.
- 5.40 This Office has long held concerns about the regime and conditions for protection prisoners at Hakea Prison, to the extent that three recommendations were made in relation to conditions for protection prisoners following the 2006 inspection. Two of these recommendations were not relevant at this inspection because the unit was operating under capacity.⁸⁶ The third recommendation related to improving the regime and amenities available for protection prisoners, both within and outside the unit.⁸⁷
- 5.41 This inspection found that the regime for protection prisoners had not improved since 2006. Their movement around and access to different areas of the prison was severely restricted. Any movement outside of Unit six had to occur under officer escort. This added to the Unit six officers' workload and the perception was strongly held amongst prisoners that this was affecting their ability to access external areas of the prison.
- 5.42 In particular, protection prisoners complained that their access to the legal library was severely restricted. Protection prisoners were allowed to access the legal library on a Friday afternoon for three hours. Prisoners informed inspection team members, however, that their ability to utilise this access was haphazard, and that officers often cancelled their access or failed to provide an escort for them to attend the law library. One prisoner said that he had only had access to the law library three times in 11 weeks.
- 5.43 Another issue the Inspectorate has been concerned about is the requirement that prisoners in Unit six work in the laundry. As stated elsewhere in this report, protection prisoners provide the labour force for the laundry, an essential prison service. Certainly, the 2006 inspection found that prisoners in Unit six who were 'not working were labelled problematic and tended to be moved to Unit 1 or had a restricted regime in Unit six'.⁸⁸ The 2009 inspection found that protection prisoners felt equally marginalised should they choose not to work. They told members of the inspection team that, should they choose not to work, they would be accommodated in the least desirable wing in the unit that did not have a telephone and would be locked in their cells for most of the morning while unit cleaning was in progress.

86 Recommendation 15 required that Hakea re-classify the punishment cells as general purpose accommodation. In 2006 the Unit 6 population exceeded capacity and some protection prisoners had to be accommodated in Unit 1, the punishment unit. Re-classifying the punishment cells as general purpose accommodation would alleviate the requirement for protection prisoners to be moved to Unit 1. Recommendation 17 required that Hakea cease placing protection prisoners into Unit 1 if they were not working. This practice was no longer necessary in 2009 because the unit was under capacity and could accommodate prisoners not working within the unit.

87 Recommendation 16 stated 'Hakea should review the amenities of Unit 6, including the outside exercise area that needs to be grassed, the recreational opportunities available, and the facilities in the self care wing'.

88 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 40.

- 5.44 Regulation 43(2) of the Prisons Regulations 1982 stipulates that prisoners on remand shall not be required to work. This implies that those remandees who choose not to work should not be discriminated against, as this would indicate a subversive attempt to force remand prisoners to work. This issue was still around at the time of the 2009 inspection. Prisoners on remand can legally elect not to work and they should not suffer consequences as a result of this choice.
- 5.45 Our earlier findings in relation to the Indonesian prisoners share a common theme with the inspection finding in relation to prisoners in protection feeling compelled to work regardless of their status as remand prisoners. As stated earlier, a group of Indonesian prisoners was transferred to Unit six in order to increase the labour force for the laundry, at a time when the Unit six population was under capacity. Prison management informed the inspection team that the Indonesian prisoners in Unit six who are currently working in the laundry all elected to work. This is undoubtedly true. However, there are indications that some of these prisoners may no longer be satisfied with their transfer to Unit six and may wish to leave the unit which will of course impact on the laundry. The common theme here is the perception that there is some coercion occurring in relation to prisoners in Unit six having to work.

VULNERABLE PRISONERS

- 5.46 Vulnerable prisoners may be:⁸⁹
- Those who are new to the prison system;
 - Those who are young;
 - Those who have a mental illness;
 - Those whose offence makes them subject to bullying;
 - Those who have a cognitive or social disability of some type; and
 - Those who may be struggling to settle into prison life.
- 5.47 Hakea has a robust approach to managing these vulnerable prisoners. These prisoners are managed through a range of systems, including the Prison Counselling Service (PCS), the At Risk Management System (ARMS), the Prisoner Risk Assessment Group (PRAG), the Crisis Care Unit (CCU) and the Support and Monitoring System (SAMS).
- 5.48 This inspection found that, even given the extreme overcrowding, these systems were functioning effectively. There are various groupings of vulnerable prisoners and each requires a particular management approach. At Hakea, management of these different groups is supported by specialised accommodation units, each of which is set up to manage a different grouping of vulnerable prisoners. Unit one for example, is a punishment unit specialising in managing disruptive (including bullying) behaviour. Unit eight is a designated unit to manage prisoners who require additional support and monitoring.

89 The Inspectorate has previously published a thematic review of vulnerable and predatory prisoners in Western Australia, see OICS *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice*, Report No. 15 (May 2003) for a comprehensive account of vulnerable prisoners across the WA prison system.

Unit six is the protection unit, and the Crisis Care Unit looks after prisoners in crisis. These specialised accommodation units are in turn supported by specialist systems in which the different groups of vulnerable prisoners can be managed according to their specific needs.

Prison Counselling Service (PCS)

- 5.49 The Prison Counselling Service (PCS) is one of these systems whose services are generically utilised by prisoners across the various vulnerable prisoner groupings. The inspection found that the Prison Counselling Service (PCS) was doing a fine job at Hakea given the dramatic increase in their client base with the overcrowding.
- 5.50 The PCS staffing component had been relatively stable over the preceding 12 months, but the staffing numbers had not increased in line with the prisoner population increase. There were eight counsellors, a Clinical Supervisor and an Administration Assistant to service a population of up around 900. The PCS team is overseen by the Manager of Offender Services who is based at Hakea Prison. PCS staff all reflected on their good working relationship with each other and with the Manager of Offender Services.
- 5.51 Given the high prisoner numbers, their work was necessarily restricted primarily to crisis management and risk assessments, although some PCS counsellors were involved in ongoing counselling with particular prisoners. Apart from staff shortages, the other biggest issue affecting the PCS team was the lack of appropriate interview rooms across the prison site.
- 5.52 PCS staff do not have the capacity to interview prisoners in a central facility. Rather they have to go to the accommodation units to conduct their clinical interviews. In most units, the only office available that affords some privacy is the Senior Officer's office. If the Senior Officer is using his office, however, custodial staff will commonly suggest that the counsellor interview the prisoner in the outside courtyard. There are obvious issues with privacy and confidentiality related to this, along with more basic issues relating to noise and exposure to the elements.
- 5.53 PCS staff also told inspection team members of incidents when custodial staff forgot that they were in the unit because the interview room they were using did not have line of sight to the officers' pod. These infrastructure limitations could potentially impact on the quality of the service that PCS provides as well as prisoners' willingness to engage with the prison counselling service.

Crisis Care Unit (CCU)

- 5.54 There are 11 cells in the Crisis Care Unit (CCU) that can accommodate up to 15 prisoners. Of these 11 cells, four are double cells, five are single cells and two are safe cells. Prisoners are accommodated in the CCU if they are experiencing a crisis, if they need to be medically observed or as an interim measure until a suitable accommodation option can be decided (for example if the prisoner's offence may require that he be placed in the protection unit). In these overcrowded times, the CCU is also being used as an overflow accommodation option until a bed becomes available elsewhere in the prison.

- 5.55 The CCU appeared well staffed and well managed. The regime in the unit is quite relaxed and prisoners have free access within the unit as well as to the external courtyard for most of the day. There is an office for a mental health nurse who is located in the unit.
- 5.56 A new staff rostering system has meant that the officers who were previously dedicated CCU officers were now allocated to other positions on the roster as well, such as visits and the recovery team. This was a strategy intended to rotate officers through various positions, thus providing opportunities to experience different aspects of the operational management of the prison and ensuring that officers do not stay in one position too long and become bored and stale. The outcome of this is that, on occasions, there may be officers rostered to work in the CCU who have never worked there before.
- 5.57 Whilst the policy of rotating staff is generally sound and positive, it can also be argued that the distinctive nature of the Crisis Care Unit would benefit more from officers who have the experience to understand and manage the sensitivities associated with the crisis care population. Further, the CCU officers have specific functions that are not generic to other unit officers, such as a presence on the Prisoner Risk Assessment Group (PRAG). Participation in this group requires knowledge of the prisoners in the CCU, their histories, their current behaviour as well as their enduring behaviour during their stay in the unit. An officer working in the CCU for the first time will not have this knowledge. Although we make no formal recommendation in this regard, we consider that prison management should carefully evaluate the roster rotation policy for those areas of the prison that have a specific purpose and function, such as the CCU.

Managing 'At Risk' Prisoners

- 5.58 The Prisoner Risk Assessment Group (PRAG) comprised a cross-representation of custodial, non-custodial, clinical and managerial staff. The group is essentially a support group for those prisoners who have been placed on the At Risk Management System (ARMS) and it meets daily (except Wednesdays, which is staff training day) to discuss the prisoners on ARMS with a view to reassessing their ARMS status as well as a general determination of how the prisoners on ARMS are coping with prison life.
- 5.59 To this end, the representation on the PRAG was appropriate. The group comprised PCS staff, medical staff, PSOs, chaplains, and Senior officers. The group was chaired by the Senior Supervisor Regimes. There were separate PRAG meetings for the Crisis Care Unit and Unit 1 (punishment unit).
- 5.60 Inspection team members sat in on PRAG meetings during the inspection. We observed that the number and type of staff on the group were appropriate. The level of discussion about each ARMS case was also appropriate as were the decisions made as to the prisoners' ARMS status. The one aspect of this group that did cause some concern to the inspection team was the attitude and behaviour of some senior officers. Some of them were flippant in their discussion about the ARMS prisoners in their units and appeared reluctant to be part of the group. Some senior officers failed to arrive for the meeting and had to be specifically called to attend, thus delaying the proceedings. This attitude is most unfortunate.

The Support and Monitoring System (SAMS)

5.61 The stated purpose of the Support and Monitoring System (SAMS) at Hakea Prison is⁹⁰

To ensure a collaborative, co-ordinated approach to the identification of prisoners who are not an acute risk to self, however require additional support, intervention and/or monitoring with the prison environment.

5.62 The categories of prisoners managed through SAMS include prisoners with ...⁹¹

- Psychiatric illness;
- Psychological issues;
- Cognitive impairment;
- Physical disability; and
- Sensitive cultural and spiritual issues.

5.63 SAMS, therefore, provides an alternative risk management system tailored to those prisoners who do not require intensive or urgent risk management, but who do require ongoing management of their at-risk behaviours. These behaviours may be due to a chronic mental illness, a cognitive disability or even a social disability.

5.64 The SAMS prisoners at Hakea Prison are predominantly accommodated in Unit 8. These prisoners reside in a single cell, unless they specifically request to be doubled up with another prisoner and the other prisoner concurs. The SAMS prisoners in Unit 8 reside in either A or B wings. All the other prisoners in Unit 8 share a cell. At the time of the inspection in October 2009 there were ten SAMS prisoners, nine of whom were in single cells.

5.65 The SAMS prisoners at Hakea Prison are looked after very well. The Senior Supervisor Regimes manages the system and is dedicated to ensuring that these vulnerable prisoners are protected within the prison. Recent initiatives in Unit 8 have provided these prisoners with the opportunity to work in a non-stressful environment. These initiatives were the vegetable garden that the SAMS prisoners tend adjacent to the unit, and the chickens that had been introduced a few months previously.

5.66 These initiatives have given the SAMS prisoners something meaningful to do each day and also keep them out of the way of less tolerant prisoners who may have a propensity to bully vulnerable prisoners. The management of this group of vulnerable prisoners at Hakea represents good practice.

90 DCS presentation on SAMS.

91 Ibid.

Chapter 6

INTERVENTION STRATEGIES

- 6.1 This chapter explores the opportunities available at Hakea Prison for prisoners to shape their own rehabilitative prospects. The prison system in Western Australia provides these opportunities through education, offending behaviour and other programs, employment of prisoners whilst they are incarcerated, and preparation for release.
- 6.2 Prisoner intervention strategies such as education, employment and programs are a crucial element of any successful correctional system. These services contribute to the achievement of correctional objectives in two ways. Firstly, they provide prisoners with meaningful activity to occupy them during the day. This prevention of idleness and boredom is important, both for its positive impact on prisoners' state of mind and because it ensures that prisoners are engaged in constructive rather than destructive behaviour. Secondly, these interventions contribute to the personal development of prisoners, providing them with skills and experience that will help them to refrain from re-offending following release. Typically prisoners who are constructively engaged for most of the prison day are easier to manage.
- 6.3 In the current Hakea environment, these intervention strategies are an essential antidote to the tension created by overcrowded facilities and difficult living conditions. Ideally, these services should be part of a formal structured day regime. The need for a structured day was identified in the previous inspection report which recommended that 'the Department should conduct a full regimes review to establish an appropriate structured day regime for this population. This must include consideration of the need for and provision of appropriate non-uniformed staff to support a structured day regime'.⁹² The requirement for a structured day filled with constructive activity is more urgent now with a significantly higher prisoner population.
- 6.4 The inspection team observed that, while a structured day regime was ostensibly in place, the majority of prisoners did not have their days filled with planned activities and instead led a largely aimless existence. There were large numbers of prisoners sitting around the units on a daily basis with nothing to do, and prisoners complained that they were bored.
- 6.5 It must be acknowledged that local management are committed to and working towards a more meaningful structured day, but at present the prison's shortfall in employment opportunities and limited capacity to facilitate recreational activities is undermining these efforts.⁹³ As the Inspector stated in his debrief, 'prisoners at Hakea seem to have a routine of some sort but they really don't have a purposeful structured day'.⁹⁴

92 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 72.

93 See Chapter 4 for a detailed description of the limited recreation opportunities for prisoners at Hakea Prison.

94 Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

INTERVENTION STRATEGIES

PROGRAMS

- 6.6 The Inspectorate's Code of Inspection Standards requires that '... each prison should provide a range of short information programs, cognitive development and offence-related and resettlement programs that matches prisoner needs.'⁹⁵ Hakea does offer an appropriate range of short information programs, cognitive development and resettlement programs, delivered by a combination of prison staff and external service providers. Since the vast majority of prisoners are either on remand or awaiting assessment and transfer to another prison, Hakea does not offer any offence-related programs.⁹⁶
- 6.7 There is of course still value in delivering targeted programs to address the specific needs of the Hakea prisoner population. Hakea does offer such targeted programs suitable for the transient nature of the prisoner population in the prison. These programs usually run for less than one week to match the high turnover and short-term nature of the prisoner population. The suite of programs available at Hakea is outlined in the table below.

Brief Intervention Services (BIS)	A two day program on managing anger and addictive behaviours. Delivered by Mission Australia.
Life Skills Program	Information sessions on accommodation, employment, money matters, health and well being. Delivered by Outcare.
Drug and Alcohol Program	A 10 week (1 hour per week) program teaching prisoners to identify the dynamics of their drug use and the problems in their life that relate to drug use. Delivered by the Hakea Co-Morbidity Team.
Good Beginnings Parenting Program	A two day course about parenting and family relationships. Delivered by Good Beginnings Australia.
Family Relationship Program	An information session on Family Law and impact on children, and understanding VRO requirements. Delivered by the Family Relationship Centre.
Cognitive Brief Intervention Program	A shorter version of the Cognitive Skills Program delivered elsewhere in the prison system. The course is run over eight half days with sessions of approximately two and a half hours each. Prisoners learn skills in the area of better thinking, problem solving and consequences. Delivered by appropriately trained custodial staff.

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

96 At the time of the inspection in October 2009 there were only 30 prisoners permanently placed at Hakea. As such, it remains appropriate that Hakea does not offer offence-related programs. There is simply not enough demand to warrant it.

INTERVENTION STRATEGIES

- 6.8 Hakea is to be commended for developing and delivering such a suite of programs and they are appropriate for the Hakea population. Unfortunately, however, there is doubt as to the future sustainability of some of the programs. The Brief Intervention Services (BIS) program is not supported at a Departmental level, and is instead funded from within Hakea's own budget. Similarly, the Good Beginnings Parenting Program is entirely dependent on external funding from LotteryWest and faces an uncertain future when this funding ends in 2010.
- 6.9 The continued provision of the BIS program at Hakea was a recommendation from the previous inspection. This recommendation stated that 'the Department should support and fund the continuation of the Brief Intervention Services and explore whether they can be extended so as to contain a therapeutic element'.⁹⁷ At the time, the Department did not support this recommendation claiming that there was no evidence that the program was effective in relation to recidivism or substance use reduction. Despite this lack of support, local management at Hakea progressed the Inspectorate's recommendation and the BIS program continues to be provided at Hakea Prison, funded from within the Hakea Prison budget.
- 6.10 The Cognitive Brief Intervention Program is strongly supported at Hakea, and delivery is frequent. Initially the commitment for 2009 was to deliver 13 programs, but by October 2009 (the inspection) the prison had in fact delivered 26. While it is positive that this program has reached twice as many prisoners as predicted, there are also some potential issues associated with this. For maximum effectiveness, the Cognitive Skills program needs to be targeted at the right prisoners. For example, there is no use in delivering this brief version to a sentenced prisoner who is going to complete the full program at another prison anyway. There were some concerns that in rushing through so many programs, not enough time was being spent on selecting the right prisoners. To this end, a review of the program was sensibly scheduled for early 2010.
- 6.11 While support is strong at the local level, the delivery of programs at Hakea does not seem to be a high priority for head office. To some extent this is understandable given the soaring demand for more intensive programs in other prisons throughout the state, but the shorter programs appropriate to the population at Hakea should still be funded. This opportunity to provide prisoners with some sort of personal development through a program intervention (that perhaps also makes them easier to manage while they are in prison) should not be missed.

EMPLOYMENT

Overcrowded and Underemployed

- 6.12 Hakea is unable to provide a sufficient number of jobs to satisfy the demands of the increased prisoner population. In his exit debrief, the Inspector said that the words that came to mind when reflecting on his observations of and discussions with prisoners were 'idleness, boredom, aimlessness and frustration'.⁹⁸ The opportunity to work in prison is an opportunity for most prisoners to earn and possibly even save money, not to mention an opportunity to alleviate boredom.

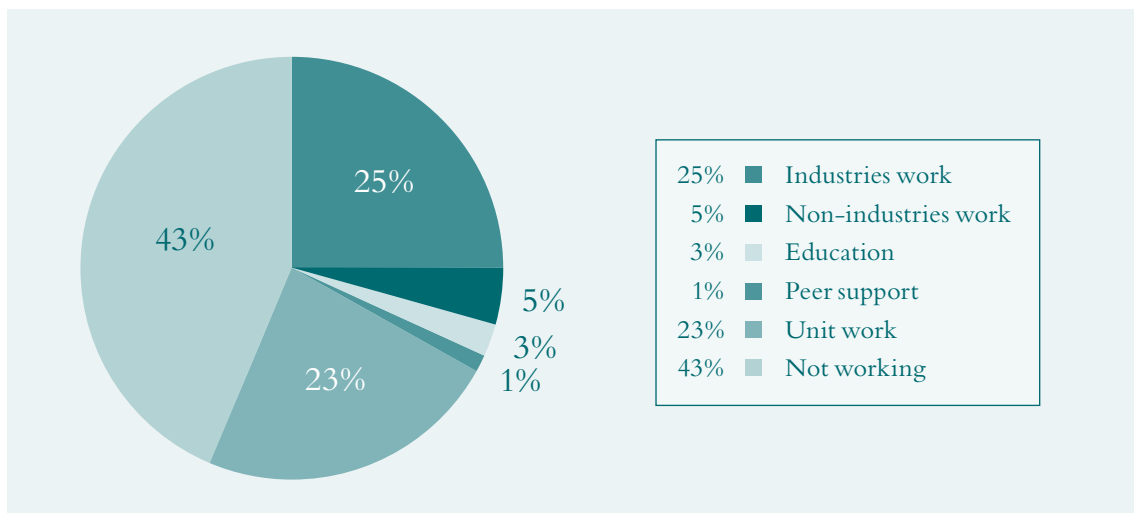
97 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 20.

98 Professor Neil Morgan, Inspector, *Exit Debrief - Hakea Prison*, 6 November 2009.

INTERVENTION STRATEGIES

- 6.13 Hakea is a remand facility. Regulation 43(2) of the *Prisons Regulations 1982* states that persons remanded into custody cannot be compelled to work whilst incarcerated for their remand period. However, even allowing for the remand population (currently 55% of the total Hakea prisoner population) the shortfall in employment opportunities is significant. Furthermore, prisoners and prison officers alike consistently told the inspection team that the vast majority of prisoners are keen to work, regardless of whether or not they are on remand, and this is provided under Regulation 43(3) of the *Prisons Regulations 1982*. The Department of Corrective Services' own policy directive confirms that 'each prison shall aim to give all prisoners the opportunity to engage in constructive activity including meaningful work'.⁹⁹
- 6.14 Hakea should therefore be able to offer meaningful employment for most of its prisoner population. The chart below indicates that the prison falls far short of achieving this goal.

Hakea Prison - Prisoner Employment as at 24/11/2009¹⁰⁰



- 6.15 At the time of the inspection, 43 per cent of prisoners were not employed. Twenty five per cent were employed in the industries workshops or work parties, with almost as many (23%) employed as unit workers in the various units throughout the prison. Unit work is notorious for requiring very little time or effort from prisoners, and typically involves no more than mopping or sweeping a specified area of the unit.
- 6.16 It is common practice, particularly in overcrowded times, for staff and management to try and create more employment opportunities. Many of these are created in the residential units so jobs that used to be assigned to one person and would take two hours to complete have been divided into two or more jobs so more prisoners can be employed. These jobs now take significantly less time to complete. Many prisoners are able to complete their

⁹⁹ Policy directive 25.

¹⁰⁰ In the chart, 'Industries work' refers to those prisoners working in the boiler house; cabinet shop; cleaning and domestic service; concrete products; garden party; kitchen; laundry; maintenance; or panel and paint shop. 'Non-industries work' refers to those prisoners working in the canteens; reception; recreation; East Perth lock-up; or one of the Hakea administration buildings.

allotted task in less than hour, and few are kept busy for more than two hours. This cannot sensibly be seen as valuable work experience and does not prepare prisoners for employment in the community. Therefore, if unit work is discounted, less than one third of the prisoner population at Hakea is engaged in meaningful work.

- 6.17 Overall, employment related intervention strategies within the context of an effective structured day regime were severely lacking at Hakea Prison. This had been a finding of the previous inspection in 2006.¹⁰¹ At the time of that inspection, the prisoner population at Hakea Prison was approximately 670 and the report of that inspection noted that this represented an overcrowded facility. The population of the prison during the 2009 inspection was over 880. This indicates the cumulative impact of overcrowding over time on opportunities for prisoners to utilise their time in prison in ways that benefit themselves and the community.
- 6.18 That said, there were positive aspects with regard to industries and employment at Hakea. There was an appropriate range of workplaces including the boiler house; cabinet shop; cleaning party; concrete products; garden party; kitchen; laundry; maintenance party; and paint shop. The biggest employers were the kitchen, garden party and laundry, each with more than 40 prisoners.
- 6.19 Unlike many other areas of the prison, the industries infrastructure at Hakea is solid, and in some workshops there is even potential for expansion and the opportunity to employ more prisoners. The garden party, for example, already one of the biggest employers in the prison, has great potential for expansion. A new hothouse had been purchased and garden officers suggested that this would allow them to employ up to 100 prisoners, as long as sufficient staffing was provided. Another recent successful initiative was the introduction of the chicken shed and vegetable garden in Unit 8, which has provided a valuable source of employment, particularly for the vulnerable prisoners in that unit. Many more such initiatives, however, will be needed to address the shortfall in prisoner employment at Hakea.

External Contracts

- 6.20 At the time of the inspection, workers in the cabinet and paint shops were busy building and installing bunk beds throughout the prison. The paint shop, which is also a metalwork shop, was also constructing 150 bunk beds for Karnet and 100 beds for Pardelup. Generally, the work carried out by the cabinet shop and the paint/metal shop is confined to internal prison work and private orders for prison staff and other clients. The prison does not have any external contracts.
- 6.21 There are acknowledged difficulties in maintaining external contracts at Hakea because the high turnover of prisoners leads to an unstable workforce and makes it difficult to meet contract deadlines. Nevertheless, profitable external contracts or work of benefit to the community (not just individuals) needs to become a higher priority for Hakea industries.

101 See OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45, September 2007, Chapter 6.

- 6.22 The only regular external work carried out at Hakea is in the laundry, which provides services to Casuarina, Banksia Hill, Rangeview, Karnet and all police lock-ups. Unfortunately, the Hakea laundry is not well-placed to cope with this workload. The laundry is staffed solely by protection prisoners from Unit six. This means that there is a much smaller pool of prisoners to draw from, and when the protection unit is not full the laundry struggles to maintain an adequate workforce.¹⁰² The rising prisoner population, both at Hakea and in the other facilities serviced by the Hakea laundry, has of course increased the workload, but no additional resources have been provided. Despite advertising another VSO position in the laundry, the prison failed to attract a suitable applicant for over 18 months. The pressure to complete all this work is placing an unacceptable level of stress on laundry officers. Given the current population pressures, the Department must re-evaluate the feasibility of Hakea providing laundry services to all these other facilities.

Staffing

- 6.23 A recommendation from the 2006 inspection was that ‘Hakea should provide better support for Vocational Support Officers (VSOs) by way of relief arrangements, so that the activities for which they are responsible continue when they are on leave or otherwise absent from work’.¹⁰³ The Department supported this recommendation:¹⁰⁴

Hakea have approved an additional three experienced Vocational Support Officer’s (VSO’s) to be employed. They will be utilised as a relief component to ensure employment and activities are maintained when the VSO of the area is absent.

- 6.24 Although the three relief officers are in place, the stated intention of this recommendation has not been achieved. VSOs are still not necessarily replaced when on leave or absent from work and this continues to affect employment. Indeed, during the inspection one of the two cabinet shop VSOs went on leave and the number of prisoners employed there consequently halved. The problem is that three relief officers are simply not enough, and this is exacerbated by the fact that one of the relief officers has been covering the library officer position for an extended period and so is not available for other relief work.
- 6.25 Some of the deficits in industries, such as the lack of external contracts can be attributed to the unreasonable workload of the Manager, Facilities and Industries. At the local level, it has been recognised that this position needs support and that trying to juggle the management of both facilities and industries is unworkable. As a result, the more urgent and immediate needs of facilities management (such as maintenance and building works) have been taking precedence over industries.

102 See also Chapters 4 and 5 of this Report for further findings in relation to the laundry industry at Hakea Prison.

103 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) 75.

104 Ibid, 89.

INTERVENTION STRATEGIES

- 6.26 In response to this, Hakea has made a submission to head office for the role to be split across two full-time positions. One of these positions would manage industries and the other would manage facilities (including Occupational Safety and Health issues). This proposal gained support from the Adult Custodial division but was vetoed by the Employment Control Board in Human Resources. For industries, a dedicated manager would provide crucial leadership and strategic direction. Given the increasing prisoner population, and in particular the increasing sentenced prisoner population at Hakea Prison, the prison must introduce measures to mitigate the risks associated with having hundreds of prisoners sitting around unoccupied for most of the day.

Recommendation 17

The Department should support the creation of one additional full-time equivalent position to drive the development and implementation of a meaningful constructive day system at Hakea Prison.

EDUCATION¹⁰⁵

- 6.27 Due to the fast turnover of prisoners at Hakea, there is a strong focus on short courses in the education centre. Despite the fast turnover, the education centre boasts a strong completion rate for courses at 71 per cent. Hakea has a large number of prisoners completing basic education courses and also a few enrolled in higher level general education courses. The increase in the foreign national prisoner population has necessitated the addition of an English class. Whilst the provision of external education courses has improved, these are limited because prisoners can no longer have private computers, and also because access to the internet is prohibited.
- 6.28 Whilst there have been concerted efforts to increase vocational training delivery at Hakea, industry-based education and training continues to be patchy. Part of this, of course is due to the length of stay for most prisoners at Hakea which usually is not long enough to complete a training course. However, there is now a focus on providing prisoners with units of training that can contribute to the gaining of a full certificate through continued study at another prison or upon release. This has been driven by the education centre with varying levels of cooperation from VSOs in the different work areas.
- 6.29 A serious effort is being made to provide a range of horticultural training that supports the activities of the workers in this area. Four prisoners recently achieved a full Certificate II in Horticulture, and another five prisoners were working towards it. Four units in furniture making have been offered recently with good number of students enrolled and plans are in place to have a dedicated training officer located in the workshops. However, many officers in the industry areas view learning as something that should happen in the education centre. Opportunities to provide useful occupation for more prisoners are therefore being missed as industries are largely focused on their core business of production or service provision. There is little evidence that even informal training is considered an important role for workshop staff.

105 The Inspectorate would like to acknowledge the assistance of the expert from the Department of Training and Workforce Development who inspected this aspect of prison operations.

INTERVENTION STRATEGIES

- 6.30 The education centre attempts to remedy the lack of vocational programs with business courses, especially computer training. Music and art are also well supported and cater for good numbers of students. The sport and recreation program is developing a strong training culture with both Certificate I and II level training now offered. In view of the constraints on space in the education centre, it is disappointing that more learning opportunities are not offered across the prison.
- 6.31 At the 2006 inspection of Hakea Prison the most significant issue for education was the cancellation of classes due to a lack of uniformed staff available to provide security within the centre, and a recommendation was made to address this issue.¹⁰⁶ These disruptions to education services and the restriction of student numbers in the centre because of a lack of security staff occurred much less frequently in 2009. Further, the education centre was negotiating for a third officer to be scheduled for busy periods during the week.
- 6.32 Staffing and other resources have not increased to the same extent as the demand for these services. Indeed, less funding is now provided for casual tutors (\$127,000 in 2006/2007 and \$104,000 in 2009/2010). An additional Aboriginal Education Worker has been appointed. The infrastructure of the centre has not undergone any significant improvements to accommodate the increased prisoner numbers, although the provision of a dedicated music room and planning for two additional demountables will go some way to providing for some of the unmet demand for education.
- 6.33 In summary, the provision of art, music, sport and recreation focused training provides a stress-reducing outlet for inmates, which is important when new entrants to the corrections system are dealing with over-crowding and competition for basic services. The quality of the service offered in these areas is excellent. Industry areas should be encouraged to provide opportunities for skills development among their prisoner workforce.

PREPARATION FOR RELEASE

- 6.34 Re-entry services at Hakea Prison have in the past been neglected. This may have been due to the profile of Hakea as a short term receival facility primarily for remand prisoners and those awaiting transfer to other facilities. More recently, however, it has been recognised that effective re-entry services are an essential intervention strategy that affect the direction an offender's life takes once released from prison.
- 6.35 The standard relating to preparation for release requires that prisoners be provided with programs and services to assist a successful transition back into the community.¹⁰⁷ Whilst the range of re-entry services provided at Hakea is fine, and undoubtedly valuable to those prisoners who are able to access them, resources are not sufficient to meet the rising demand of the prisoner population.

106 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45, September 2007, 21.

107 OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 132.

- 6.36 The Transitional Manager is responsible for the coordination of re-entry services and has been in post at Hakea since July 2009. The scope of re-entry services available to prisoners at Hakea is broad and includes assistance with transitional accommodation, employment, child support, Centrelink benefits, and payment of fines. The Transitional Manager can also assist prisoners to obtain a Medicare card and birth certificate, and help remote and regional prisoners to return home after release through the Transport Options Program (TOPS). This is good practice and consistent with Standard 133 of the Code of Inspection Standards.¹⁰⁸
- 6.37 There are also programs and support services offered to prisoners to help them successfully reintegrate into the community. Some of the programs mentioned above qualify as resettlement programs, especially the Life Skills program provided by Outcare. Outcare also provides re-entry support through case management of individual prisoners commencing three months prior to release and continuing until six months after release. Individual substance abuse counselling is available on a similar basis (starting three months prior to release and finishing six months after release) provided by both the Drug and Alcohol Throughcare Service (DATS) and the Prison to Parole Program (PPP). These services are facilitated by external agencies.
- 6.38 Most of these services are now fairly standard within prisons throughout the state as a result of the introduction of the Transitional Managers and the framework put in place by the Re-entry Services branch of the Department. There are, however, added complexities at Hakea because of the nature of the prisoner population. Many prisoners will be at Hakea for a short period only, meaning there is limited time available to deliver re-entry services to them. As the population continues to increase and demand for these services grows, the prison's capacity to meet demand has become compromised. There has been no accompanying increase in resources or funding for re-entry programs, and the Transitional Manager is already unable to meet the demands of the rising population in relation to reintegration assistance.
- 6.39 The inspection found that Aboriginal prisoners have a low level of engagement with the re-entry services at Hakea Prison. Prisoners indicate their interest in accessing re-entry services by filling out a Re-entry Services form. Copies of this form are distributed to prisoners during orientation. This is a good initiative – comprehensive, but not too long and written in plain language. Nevertheless, it does require a fairly good level of literacy. This may be one factor contributing to the limited uptake of the re-entry programs at Hakea by Aboriginal prisoners.

108 This Standard states 'Prisons must ensure the transportation of prisoners back to their home upon release.'

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2010 RECOMMENDATIONS

Recommendation	Acceptance Level/Risk Rating/Response
<p>Recommendation 1 Administration and Accountability</p> <p>i. A separate remand facility should be constructed in the metropolitan area to better meet the specific needs of the remand population in Western Australia. A range of options should be considered, including expansion of the Hakea site.</p> <p>ii. There should be consultations with the legal profession and other relevant stakeholders to determine the feasibility and optimal use of modern communications technology in the new facility.</p>	<p>Supported, Subject to Funding</p> <p>i. The Department of Corrective Services Strategic Asset Plan 2010-11 includes planning for additional metropolitan site establishment - Government has approved continued planning in this area and expansion of the current Hakea site will be considered as part of that process. A range of options will be considered including a new secure men's prison that would provide the capacity for Hakea to be a dedicated remand prison. New units (256 beds) are also being added to the current Hakea site and have been situated in such a way as to enable better separation of remand and sentenced prisoners and potentially form part of an adjacent development.</p> <p>ii. The Department recognises that there are significant advantages, and a range of benefits associated with the use of current and future technology and this continuous improvement will not be restricted to new facilities. Technology is constantly being explored at a State and national level and stakeholders (including the legal profession) will be consulted to seek their views and a diversity of ideas.</p>
<p>Recommendation 2 Staffing Issues</p> <p>Senior Officers and prison administration should establish a joint committee as agents for change working together to develop and implement strategies to manage the increasing prisoner population at Hakea Prison.</p>	<p>Supported in Principle</p> <p>The recommendation is supported in principle as there is already established communication between prison administrators and the senior officer group in addition to other relevant DCS representatives. The relationship between senior management and the senior officer group is a key contributing factor in ensuring that the prison develops and implements appropriate strategies to cope with the increasing prisoner population.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Recommendation 3 Staffing Issues Additional resources should be made available to enhance the staff training program at Hakea Prison. Further, given the primary functions of Hakea Prison as a remand and assessment centre, remand-specific training should be prioritised within the staff training program and made compulsory for all staff.</p>	<p>Supported in Part, Subject to Funding The Staff Development Board and Divisional Training Committees consider required training and prioritises it in line with the strategic plan. The rollout of the satellite training officers to all prisons has released many positive outcomes and increased training across all establishments. At this stage it is not intended to increase the training resources at Hakea, but it is accepted that there needs to be a more structured training programme for prison-based staff and recruits in training and this review was in progress prior to the Hakea inspection. It is agreed that remand specific training is appropriate and will be prioritised for Hakea staff. The Department of Corrective Services (the Department) is also examining broader workforce planning initiatives to, amongst other issues, improve staff training availability.</p>
<p>Recommendation 4 Administration and Accountability The Department needs to reassess its method of allocation of population estimates for budget purposes.</p>	<p>Not Supported The Department, like all other Government departments, is constrained to operate within approved funding levels. The Department operates in a dynamic environment which in recent years has been characterised by rapid increases in the prison population. Approved funding levels are determined by the annual budget process with the potential for adjustments, where required, in the mid year review.</p> <p>The Department has, for over 6 years, worked closely with the Department of Treasury and Finance (Treasury) in accordance with a prisons funding model that provides a predictable level of funding in line with movements in the prison population. For each year since the prisons funding model has been in place, the Department has received funding for the actual daily average prison population.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Recommendation 5 Staffing Issues</p> <p>The Department must ensure there is a robust and effective occupational safety and health system at Hakea, as required by legislation. In doing so, it must take full account of the findings contained in the Worksafe report that was provided following the inspection.</p>	<p>Supported, Subject to Funding</p> <p>The Department has made positive progress towards a robust and effective occupational health system across the Department, however, it is acknowledged that this process is not complete.</p> <p>A dedicated position to manage OSH at Hakea is currently under consideration.</p> <p>Hakea has accepted the findings of the Worksafe report with a number of the identified areas for improvement already implemented. A new OSH Committee has recently been formalised that contains a cross section of occupational groups and sufficient numbers of representatives to better cover the prison site and associated training has taken place.</p>
<p>Recommendation 6 Care and Wellbeing</p> <p>The Department must proactively pursue a greater understanding of religious diets using the community standard as a baseline.</p>	<p>Supported in Part</p> <p>The Department is always willing to better understand community standards; however in this instance the standard is not defined. The Department already meets Australian dietary guidelines and has controls in place. A forum will be held at the next chef instructors professional development forum on cultural awareness issues.</p>
<p>Recommendation 7 Care and Wellbeing</p> <p>In the interests of human dignity, hygiene and disease control, all prisoners at Hakea Prison should be issued with a new set of underwear and socks on admission, and rigorous systems must be in place to ensure that these are returned to the same prisoners when they are sent away for laundering.</p>	<p>Not Supported</p> <p>The washing of all prisoner clothing (including socks and underwear) is compliant with Australian Standard 4146, using the program best suited to ensure the removal of any bacteria or fungal matter, dirt, grease, oils and bodily fluids. At reception, prisoners are issued with a laundry number and their clothing tagged so it is returned to the prisoner once washed.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Recommendation 8 Administration and Accountability The Department should fast track the processes involved in progressing the central facilities building project.</p>	<p>Not Supported The Department has included the provision of the multi use facility in current planning for expansion of services at Hakea Prison. The project has been funded, is in document design phase and is expected to be completed by early 2011. Government procurement policies and processes must and are being followed and the facility will be completed as soon as possible.</p>
<p>Recommendation 9 Care and Wellbeing Hakea Prison should implement a more family-friendly approach to social visits.</p>	<p>Supported in Principle, Subject to Funding Hakea Prison has already commenced to move toward this outcome, and to date has implemented a number of initiatives designed to create a more family-friendly approach to Hakea's social visits. Hakea acknowledges the need for a review of the visiting times and will be progressing this initiative. Hakea is presently under review for a significant infrastructure upgrade. Part of that process is an extension to the visits area and prisoner control areas within the proposed extension. This will help facilitate a greater flexibility in the provision of visiting times at Hakea.</p>
<p>Recommendation 10 Care and Wellbeing The use of Skype for social visits at Hakea should be extended and made available to all those social visitors who have difficulty physically visiting their friends and family in Hakea. If the experience at Hakea proves successful, 'internet visits' should be rolled out across the whole of the prison system within the shortest feasible timeframe.</p>	<p>Supported in Principle, Subject to Funding The Department is already actively exploring technology options to progress and use technology wherever possible to enhance the social and official capacity for prisoners and external stakeholders. New infrastructure designs are being planned to incorporate technology advancements. The Department has commenced working (November 2009) on an initiative to determine technological solutions for cost effective desktop video conferencing using web cameras. There are security concerns that need to be addressed before this type of technology can be rolled out across the system and a thorough risk assessment must and will be conducted.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Recommendation 11 Health</p> <p>That health services ensure that all self-referring patients at Hakea are assessed in person or by phone within 24 hours for prioritisation of treatment and given an appointment to see a clinician. A patient presenting to unit staff with a high degree of discomfort should be able to attend at the medical centre directly, as if to a hospital.</p>	<p>Supported in Part</p> <p>The health centre is based on the community general practice model. A priority appointment system is in place. Four empty appointment slots are available daily for those prisoners who need to be seen urgently. If prisoners require emergency care, unit officers will call the health centre for help/advice. If patients require emergency care then they will be transferred to hospital via ambulance.</p>
<p>Recommendation 12 Health</p> <p>Decisive action must be taken to engage all staff in change management processes and efforts made to improve the staff culture in the Hakea Health Centre.</p>	<p>Supported</p> <p>A range of strategies are already in place and, in accordance with continuous improvement principles, there will be an ongoing focus on promoting a positive staff culture throughout the prison and to engage staff in change management processes.</p> <p>There are many terrific staff at Hakea who promote a positive culture and there will also be examples of a minority who display negative aspects, as in any large workplace.</p>
<p>Recommendation 13 Health</p> <p>The nurse manager and business manager positions must be substantively filled and these must be located on site at Hakea Prison.</p>	<p>Supported in Part</p> <p>Processes are underway to recruit a substantive nurse manager. The review of the Department's health services is nearly complete and recommendations from this review will be considered and prioritised by the Department's executive.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Recommendation 14 Human Rights Hakea Prison must ensure that the day to day requirements of the Indonesian prisoners (and other specific groups) are met, such as access to appropriate food (see Recommendation 6), improved communication, and provision of all the necessities for religious practice.</p>	<p>Supported in Part Hakea Prison, like other prisons within the WA system, will always endeavour to provide a safe, secure and decent corrective service with the reality that it cannot provide all things to all people.</p> <p>Appropriate food for foreign nationals is supplied in line with PD 15 and in the case of Asian prisoners, rice is supplied daily as a staple part of their diet. Access to religious objects and practice is conducted as per Policy Directive 42; Sections 18, 19 and 23 and Policy Directive 7 respectively.</p> <p>With regards to Indonesian prisoners, the Indonesian Consular has regular contact with Indonesian nationals within Hakea.</p>
<p>Recommendation 15 Human rights The Department must develop and implement clear standards with regard to the management of foreign nationals within the Western Australian prison system.</p>	<p>Supported The Department currently has a number of policies and procedures that make specific mention of foreign national prisoners, however it is accepted that this cohort is likely to increase and it is recognised that it is timely to pull these together to provide clarity and extend these to ensure that Foreign Nationals receive appropriate consideration.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Recommendation 16 Racism, Aboriginality and Equity Hakea Prison must reinvigorate the Indigenous Services Committee whose first task should be to develop a detailed strategy for managing both in and out of country Aboriginal prisoners.</p>	<p>Supported in Part In September 2009 prison superintendents from around the State participated in a two-day conference to address Aboriginal disadvantage and developed a comprehensive range of strategies to guide Aboriginal Service Committees within prisons.</p> <p>In March 2010, the Department published and launched a comprehensive framework to improve services for Aboriginal prisoners. 'Reducing Aboriginal Disadvantage: A Guide for Aboriginal Service Committees Within Western Australian Prisons' was developed following a dedicated two-day conference involving superintendents throughout the State as well as facilitation and participation by the Aboriginal Justice Division and representatives from the Senior Aboriginal Reference Group within the Department. The framework contains 36 key strategies and draws from the findings published within the Federal Productivity Commission's 2009 review of Indigenous disadvantage in Australia.</p> <p>The Department has designed and filled a key senior position (Reform Coordinator – Aboriginal Services) to coordinate these reforms.</p>
<p>Recommendation 17 Staffing Issues The Department should support the creation of one additional full-time equivalent position to drive the development and implementation of a meaningful constructive day system at Hakea Prison.</p>	<p>Supported, Subject to Funding The provision of a meaningful constructive day is supported and if additional funding cannot be provided to create an additional FTE then the management team will continue to provide a focus in continually improving the current regime whenever possible. The Department has also completed a detailed review of prison industries and prisoner employment and the recommendations emanating from this review will further inform and meet the intent of this recommendation.</p>

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2007 RECOMMENDATIONS

Recommendation Number	Report No. 45, <i>Report of an Announced Inspection of Hakea Prison</i> , September, 2007. By type of Recommendation / Duration	Assessment of the Department's Implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
1.	Staffing Issues The Department should immediately initiate procedures for appointing a substantive Superintendent of Hakea with a commitment to a three-year minimum term.				•	
2.	Staffing Issues The Department should, with the input of the appointed Superintendent, review the senior management structure at the prison and in the light of that review, appoint persons to these positions promptly.			•		
3.	Staffing Issues The Department and the prison should address the question of Senior Officer appointments at Hakea with a view to filling those positions substantively.			•		
4.	Staffing Issues The first three recommendations should be implemented as soon as possible, and if necessary the Department should appoint a small human resources taskforce to conclude these matters without delay.			•		
5.	Staffing Issues The prison should set up a Women's Committee to address issues of the employment and treatment of women at Hakea.		•			
6.	Staffing Issues The prison should survey and monitor custodial staff intentions with regard to retirement to ensure a planned approach to maintaining a full complement of staff with sufficient experience.	•				
7.	Care and Wellbeing A Training Needs Analysis should be conducted for all categories of staff – senior management, line management, civilian staff, custodial staff, vocational support officers and administrative staff – and an appropriate schedule of training put into place.		•			

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2007 RECOMMENDATIONS

Recommendation Number	Report No. 45, <i>Report of an Announced Inspection of Hakea Prison</i> , September, 2007. By type of Recommendation / Duration	Assessment of the Department's Implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
8.	Correctional value-for-money The Department should undertake a complete infrastructure audit, including a specialist security review in order to provide a firm basis for future upgrades to the prison.		•			
9.	Care and Wellbeing The optimum population cap for the prison as it is currently configured should be set at around 600, but in the event of numbers exceeding a safe cap (as determined by the Department) a range of compensatory measures should be developed and put into place to minimise the effects of the level of unsafe overcrowding.		•			
10.	Rehabilitation The Department should support and fund the continuation of the Brief Intervention Services and explore whether they can be extended so as to contain a therapeutic element. ¹⁰⁹			•		
11.	Rehabilitation Hakea should review the arrangements for assigning disciplinary officers to the education centre, with a view to ensuring that occupational health and safety considerations are properly met and that classes are not cancelled because of a lack of a disciplinary officer.			•		
12.	Custody and Security Hakea should review the criteria and practices relating to the imposition of Close Supervision and Section 36(3) Orders.			•		
13.	Custody and Security The Department should review the alerts system on a system-wide basis and the prison should conduct a review of its application on site.		•			
14.	Care and Wellbeing Hakea should review movement control systems so as to facilitate the reasonable access of prisoners to services and amenities throughout the prison.			•		

¹⁰⁹ The progress against this recommendation has been rated as “Acceptable”. This progress is solely due to the efforts by the Hakea management team.

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2007 RECOMMENDATIONS

Recommendation Number	Report No. 45, <i>Report of an Announced Inspection of Hakea Prison</i> , September, 2007. By type of Recommendation / Duration	Assessment of the Department's Implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
15.	Care and Wellbeing Hakea should re-classify the punishment cells located in Unit 6 as general-purpose accommodation cells and refurbish them accordingly.			•		
16.	Care and Wellbeing Hakea should review the amenities of Unit 6, including the outside exercise area that needs to be grassed, the recreational opportunities available, and the facilities in the self-care wing.		•			
17.	Care and Wellbeing Hakea should review the situation whereby Unit 6 protection prisoners may be sent to Unit 1 if they are not working, bearing in mind the rights of unconvicted offenders.			•		
18.	Care and Wellbeing Hakea should re-examine the arrangements for new young offenders to ensure that young prisoners transferred in from other prisons are assessed by PCS as to their current risk status.				•	
19.	Care and Wellbeing The Department should establish a training program for peer support officers throughout the Western Australian prison system and provide a trainer to deliver the required programs.			•		
20.	Care and Wellbeing In the context of suicide and self-harm risks, Hakea should review the at risk assessment for these prisoners, as well as the suitability of the conditions in which they are held and the services and amenities available to them.		•			
21.	Administration and Accountability The Department of Attorney General should initiate a review of bail and remand systems across the state with a view to reducing unnecessary and unproductive imprisonment of unconvicted offenders. Particular emphasis should be placed on the question of the delays in bringing persons to trial in the superior courts.			•		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2007 RECOMMENDATIONS

Recommendation Number	Report No. 45, <i>Report of an Announced Inspection of Hakea Prison</i> , September, 2007. By type of Recommendation / Duration	Assessment of the Department's Implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
22.	Racism, Aboriginality and Equity Hakea should provide more traditional food for Aboriginal prisoners and more low fat options for prisoners generally. In addition, the process used for the approval of meals based on religious beliefs should be reviewed.		•			
23.	Human Rights Hakea management should ensure that library access is reasonably available to unconvicted or appeal class prisoners at all times during the normal prison day as is required under law. Efforts must also be made to improve the resources available in the legal library.		•			
24.	Health The chronic problems involved in the management of the Health Centre, as identified in this Report and from numerous other reviews and inquiries, must be addressed as a matter of the utmost urgency. These matters include not merely the interpersonal problems within the Centre but the range of service delivery problems identified during this inspection.		•			
25.	Health The Department should support the extension of the ASSIST screening of prisoners at Hakea, and the program should be expanded to all prisons throughout Western Australia.		•			
26.	Health Training for all custodial, counselling and health staff in relation to drug and alcohol issues should be conducted and supported by the Department and Hakea management.			•		
27.	Health A drug withdrawal unit, supported by counselling and health services staff, should be established as a more appropriate management strategy for prisoners in withdrawal.		•			
28.	Custody and Security Hakea should review the processes involved in the use of the drug detection dog on visitors to ensure that the length of visits is not significantly impacted.		•			

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2007 RECOMMENDATIONS

Recommendation Number	Report No. 45, <i>Report of an Announced Inspection of Hakea Prison</i> , September, 2007. By type of Recommendation / Duration	Assessment of the Department's Implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
29.	Administration and Accountability The Department should ensure transport is available for visitors to and from Hakea and the neighbouring public transport hub at Cannington for all of the different visiting sessions.			•		
30.	Racism, Aboriginality and Equity Hakea Prison should establish an elders program for Aboriginal prisoners.	•				
31.	Care and Wellbeing The Department should conduct a full regimes review to establish an appropriate structured day regime for this population. This must include consideration of the need for and provision of appropriate non-uniformed staff to support a structured day regime.		•			
32.	Staffing Issues Hakea should provide better support for Vocational Support Officers by way of relief arrangements, so that the activities for which they are responsible continue when they are on leave or otherwise absent from work.		•			
33.	Custody and Security Hakea should progress the review of tool control at the prison as stated in the security audit action plan.	•				

Appendix 3

THE INSPECTION TEAM

Professor Neil Morgan	Inspector of Custodial Services
Ms Natalie Gibson	Director, Operations
Mr Bill Cullen	Director, Strategy and Research
Mr John Acres	Principal Research and Strategy Officer
Ms Lauren Netto	Principal Inspections and Research Officer
Ms Janina Surma	Inspections and Research Office
Mr Cliff Holdom	Inspections and Research Officer
Mr Kieran Artelaris	Inspections and Research Officer
Ms Elizabeth Re	Inspections and Research officer
Mr Joseph Wallam	Community Liaison Officer
Ms Emma Mitting	Research Officer
Ms Kaye Towers-Hammond	Independent Visitor Scheme Coordinator
Ms Cheryl Wiltshire	Expert Adviser, Department of Training and Workforce Development
Ms Dace Tomsons	Expert Adviser, Drug and Alcohol Office
Ms Angela Rizk	Expert Adviser, Drug and Alcohol Office
Dr Adam Brett	Expert Adviser, Department of Health
Dr Mike Jordan	Expert Adviser, Department of Health
Mr Keith Trayner	Expert Adviser, WorkSafe
Ms Jackie Flanagan	Expert Adviser, WorkSafe
Ms Vreneli Gare	Observer, Office of Health Review
Ms Caroline Heffer	Observer, Office of Health Review

Appendix 4

KEY DATES

Formal notification of announced inspection	10 June 2009
Pre-inspection community consultation	15 September 2009
Start of on-site phase	26 October 2009
Completion of on-site phase	6 November 2009
Inspection exit debrief	6 November 2009
Draft Report sent to the Department of Corrective Services	9 February 2010
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