

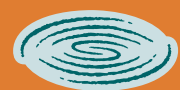


REPORT OF AN ANNOUNCED INSPECTION OF
BUNBURY REGIONAL PRISON

75

DECEMBER 2011
REPORT

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OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

**Report of an Announced Inspection of
Bunbury Regional Prison**

Office of the Inspector of Custodial Services
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The Inspector's Overview

BUNBURY REGIONAL PRISON – PERFORMING WELL BUT IN A PERIOD OF TRANSITION AND CHALLENGE

CONTEXT

It is almost impossible to believe that less than ten years ago, when this Office conducted its first formal inspection of Bunbury Regional Prison ('Bunbury'), it was at very real risk of closure.ⁱ As a result of a short term decline in prisoner numbers across the state, Bunbury's minimum security section had been mothballed, its official capacity was just 140, and it actually housed fewer than 130 prisoners. Myopic government advisers had apparently concluded that the state's prison population would continue to fall and, despite Bunbury's consistently good performance, they considered it dispensable.

It is very fortunate indeed that Bunbury did not close. First, prisoner numbers in the state have been trending upwards since 2003, and saw a particularly sharp increase during 2009 and 2010. Bunbury has played a key role in managing these numbers and now houses around 330 prisoners. Secondly, although this report discusses a number of challenges and risks arising from the speed and nature of change, the prison has generally managed well through a challenging period and remains a good performer in most areas of operation. Particular highlights include employment, education, programs and their pre-release efforts.

TRANSITION

To varying degrees, all of the state's prisons are in a state of transition as they evolve to meet demand pressures and budget constraints alongside increasing compliance requirements and performance expectations. At Bunbury there are five main aspects to the transition.

Prisoner Numbers

Bunbury now holds around 330 prisoners despite having a design capacity of only 223. The two and a half fold increase in numbers since 2002 has been achieved by opening a new 'Pre-release Unit' (see below) together with a program of adding bunk beds to cells which were designed only for single occupancy. Given that the so-called 'operational capacity' of Western Australian prisons now includes double bunks, Bunbury might appear on paper to be slightly under full capacity.ⁱⁱ In reality, and by nationally accepted benchmarks, it is seriously overcrowded. Around 70 per cent of prisoners are required to share cells which were never intended to be shared and the prison has an occupancy rate of around 145 per cent.ⁱⁱⁱ

i OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 16 (December 2002) iii-ix.

ii The Department of Corrective Services puts the total 'operational capacity' at 377 but this includes the currently mothballed minimum security unit (Unit 5) which can hold 37 prisoners. Actual current operational capacity is therefore 340.

iii The Australian Government *Report on Government Services 2009-2010* (<http://www.pc.gov.au/gsp/reports/rogs/2011>) measures 'prison utilisation rates' in all jurisdictions. The formula is the average daily population of prisons as a percentage of prison design capacity. It is generally accepted that the best utilisation rate is between 85 and 95 per cent in order to allow for movements between prisons, for segregating different people for risk management, and to allow for sudden upward fluctuations in prisoner numbers. Nationally, the prison utilisation rate was 105 per cent in 2009-2010. In Western Australia as a whole it was over 130 per cent, the highest by far in the country. Bunbury currently sits at around 148 per cent using this measure.

Prisoner Profile

For many years, a relatively large proportion of Bunbury’s prisoners had been convicted of sexual offences. Many were long term prisoners and they were a settled prisoner group. However, over the past five years, the profile has shifted, with the prison housing proportionately fewer sex offenders and more offenders convicted of violent offences. This has caused some pressures for staff, prisoners and management, but it is pleasing to report that many positive features of the prison have been able to continue, including the mixing of prisoners who would be held in separate ‘protection units’ in other prisons. Like some other prisons, Bunbury also faces the challenge of housing more elderly prisoners.

Hierarchical Regime

Offering positive incentives for good behaviour is one of the best management tools in a prison. Historically, one of Bunbury’s main strengths was its ability to operate a hierarchical regime, under which prisoners could earn the privilege of living in better quality accommodation. However, this inspection found that it no longer had a well-functioning hierarchical system because of the pressure of numbers.

Pre-Release Unit

Bunbury’s Pre-release Unit (PRU) commenced operations in November 2008. In basic concept and design, it is excellent. Operationally, it has also notched up some successes. However, it has yet to reach its full potential for a number of reasons:

- It has been required to house 108 prisoners, well above its design capacity of 72. This has been the case from almost as soon as it opened.
- As its name suggests, the main avowed role of the PRU is to prepare selected minimum security prisoners for release. However, many of the prisoners, although rated minimum security, are some way from release. The PRU is therefore also effectively a de-facto minimum security prison for some long term offenders. This is unlikely to pose risks to the community but it does cloud the role of the PRU and impacts on its capacity to operate as a true ‘pre-release’ facility.^{iv}
- Bunbury’s PRU is on the same site as the main prison and is largely staffed by the same staff as the main prison. This has presented some difficulties as there has been limited training for staff to work in a different custodial setting, and moving between the culture of a medium security prison and a pre-release unit is not easy.

Management Changes

In late 2010, Bunbury’s long-serving Superintendent was seconded to head office to undertake a special project and will be retiring. Fortunately, Bunbury has had a strong senior management team, many of whom have years of experience at the prison and members of that team have been able to ‘act up’ in higher positions. This has helped to ensure good performance but in the interests of stability and certainty, it is important for the ‘acting’ arrangements to be resolved and for substantive appointments to be made.

iv This is one of the reasons we recommend that the currently mothballed minimum security unit (capacity 37) be re-opened. However, the Department has rejected that recommendation on the basis that it considers such additional capacity is ‘not currently required’.

OTHER CHALLENGES

This report also highlights a number of other challenges, some of which relate primarily to Bunbury and some of which are system-wide. They include the following:

- Reflecting the factors referred to earlier, and especially the impact of increased numbers, we found that the pro-social culture of the prison had declined. Reflecting this, staff were generally sceptical about the capacity of the prison to meet the Department's goal of 'making a positive difference'.
- The number of prisoner on staff assaults remained low but the number of prisoner on prisoner assaults had increased. There was also clear evidence of some incidents between prisoners going unreported and of increased staff-prisoner tension.
- Workers' compensation levels were very high for a prison of this size.
- Between August 2010 and June 2011, eight prisoners being housed in Bunbury were found to have acquired Hepatitis C during their time in prison. This did not necessarily happen at Bunbury itself and this is an issue which needs to be examined on a system-wide basis, with a view to implementing improved harm reduction strategies.

CONCLUSION

By and large, Bunbury Prison continues to perform well and it is a tribute to staff and management that the transitions and challenges have generally been well-managed to date. However, the areas of concern identified in this report pose risks. The issues are not irreparable, not least because Bunbury has such a solid performance record, but they do need to be addressed. To that end, it is pleasing to report that the Department of Corrective Services – at both prison and head office levels – has accepted most of our recommendations. It has also indicated that several of the recommendations are being actively progressed. We look forward to reporting on progress in future reports.

Neil Morgan

5 December 2011

Fact Page

NAME OF FACILITY

Bunbury Regional Prison

ROLE OF FACILITY

Bunbury Regional Prison is a multi-security prison that includes a short term maximum security section for people remanded in custody or prisoners who have to appear in court. The prison also has a minimum security unit separate from the main prison. This is the state's newest minimum security facility and is called the Pre-release Unit (PRU). Bunbury's focus is on self sufficiency and a major feature of the prison is a market garden which supplies a large proportion of the fresh vegetables used throughout WA's prison system.

LOCATION

Bunbury Regional Prison is located 11 kilometres south of Bunbury, 183 kilometres south of Perth. The traditional owners of the land are the Noongar people.

BRIEF HISTORY

Bunbury Regional Prison opened in February 1971, serving first as a juvenile rehabilitation centre for up to 80 young offenders. In 1982, a minimum security unit was commissioned to accommodate 26 prisoners which increased to a capacity of 37 when another wing was added to this unit in the mid-1990s. This unit was closed when the Pre-release Unit opened in November 2008 and currently accommodates 108 minimum security prisoners.

LAST INSPECTION

10-15 August 2008

ORIGINAL DESIGN CAPACITY OF PRISON

85

CURRENT DESIGN CAPACITY OF PRISON

223

OPERATIONAL CAPACITY OF PRISON

377^v

NUMBER OF PRISONERS HELD AT TIME OF INSPECTION

335

DESCRIPTION OF RESIDENTIAL UNITS

- Unit 1 Maximum security unit consisting of 14 double-bunked cells, four punishment cells and two medical observation cells.
- Unit 2 Standard medium security accommodation, the oldest part of the prison – 68 cells but currently holding 96 prisoners.
- Unit 3 Self-care 'cottage-style' accommodation, originally designed to hold 70 prisoners but currently accommodating 110 prisoners.
- Unit 4 The Pre-release Unit, designed for 72 prisoners, currently accommodating 108.
- Unit 5 Minimum security unit with a capacity of 37 but currently not operational.

^v This figure is according to the Department of Corrective Services' website. However, it does not take into account the closure of the 37-bed minimum security unit (unit 5) when the PRU opened so the current operational capacity of the prison is really 340.

Chapter 1

THE PRISON AND INSPECTION CONTEXT

- 1.1 Bunbury Regional Prison opened in February 1971, serving first as a juvenile rehabilitation centre for young offenders and accommodating up to 80 detainees. Today, Bunbury Regional Prison is a secure adult facility which accommodates approximately 330 prisoners.
- 1.2 Bunbury Regional Prison is a medium security facility featuring two minimum security units (one of which is not currently operational). The original minimum security unit (unit five) was commissioned in 1982 and accommodated 26 prisoners. In the mid-1990s a new wing was added to this unit which increased its capacity to 37. Unit five was closed when the minimum security Pre-release Unit (PRU) opened at Bunbury Regional Prison in November 2008.¹ While the PRU (also known as unit four) is co-located with Bunbury Regional Prison it is, in fact, a separate facility located immediately outside the perimeter fence. There are currently 108 prisoners accommodated in the PRU, which was originally purpose built for 72. In May 2010, a decision was made to re-open unit five due to the increase in the demand for minimum security beds; however, this decision was overturned six months later and the unit has been non-operational since November 2010.
- 1.3 The medium security prisoners are accommodated within the main prison perimeter in units two (C block) and three (self-care). C block accommodates 96 prisoners in standard cells while unit three houses 110 prisoners in cottage-style self-care accommodation. Maximum security prisoners are accommodated for short stays in unit one, which has capacity for 26 prisoners.

THE PRESSURE OF OVERCROWDING

- 1.4 Bunbury accommodates significantly more prisoners now than it did at the time of the last inspection three years ago. This increase in prisoner population has not been accompanied by an appropriate investment in infrastructure. While there has been substantial investment in minimum security beds (to the extent that there is now a surplus, taking into account unit five), the investment in medium security accommodation has been negligible and double bunking has become standard.
- 1.5 Without double bunking, Bunbury's design capacity is 187. This includes the maximum security unit (unit one), standard medium security accommodation in C block (unit two), self-care (unit three) and the currently unused minimum security section (unit five). In November 2006 the prison's approved capacity was increased to 207 through the installation of bunk beds and trundle beds in unit two.² At the time of the previous inspection in 2008, the plan was to further increase capacity at Bunbury to 288 by double bunking cells in all areas of the prison, including the self-care unit.

1 At the time of writing, this unit was the most recently established minimum security facility in Western Australia.

2 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 7.

THE PRISON AND INSPECTION CONTEXT

- 1.6 At the current inspection it was found that all accommodation units, including the new PRU, were doubled up to some extent. The current capacity of each unit is represented in the table below.³

| Unit | Number of cells | Prisoner Population Capacity |
|--|----------------------|------------------------------|
| One (maximum security) | 13 (+6) ⁴ | 26 |
| Two (C block – medium security) | 68 | 96 |
| Three (self-care – medium security) | 70 | 110 |
| Four (Pre-release Unit – minimum security) | 72 | 108 |
| Five (minimum security – non-operational) | 37 | 0 ⁵ |

- 1.7 As can be seen from the above table (setting aside the potential capacity of unit five), the current operational capacity of Bunbury Regional Prison is 340. Six cells within the prison are kept available to accommodate people arrested by the local police and a further six cells (in unit one) are reserved for punishment/medical observation purposes. If these 12 specific purpose single-person cells are removed from the operational capacity of 340 referred to above, the current operational capacity of Bunbury Regional Prison becomes 328. This is the number quoted by the prison administration as representing Bunbury's maximum operational capacity.
- 1.8 However, neither of these figures accord with the operational capacity cited by the Department of Corrective Services ('the Department'). On the Department's official website, the design capacity of Bunbury Regional Prison is stated as 223, with the operational capacity being 377.⁶ No doubt this figure includes the 37 prisoners that the now defunct unit five can accommodate. Given that this unit is not operational, the capacity of 37 should be taken out of the equation. The revised operational capacity from the Department's standpoint therefore is 340.
- 1.9 During the inspection it became clear that head office had pressured local management to absorb more prisoners into the facility than its design capacity allowed, but to keep the prisoner population at around 340. The Inspector in his exit debrief to prison and head office staff and management at the end of this inspection acknowledged the differences between design capacity and operational capacity. However, he commented that 'euphemisms such as operational capacity should not hide the fact that [the prison] is overcrowded. And the consequences of this overcrowding are significant'.⁷

3 Bunbury Regional Prison, *Current Operational Capacity* (2011). Pre-inspection information provided by the prison.

4 These six cells comprise four punishment cells and two medical observation cells.

5 The unit has no capacity because it is not an operational unit anymore having closed in November 2010.

6 See www.correctiveservices.wa.gov.au/prisons.

7 Neil Morgan, Inspector of Custodial Services, *Exit Debrief, Bunbury Regional Prison* (29 July 2011).

- 1.10 The fact is that the prison is overcrowded at 328 – local management’s calculation of the prison’s operational capacity. The insistence by head office that the operational capacity is higher, and the demands placed on Bunbury managers to keep accepting prisoners consistent with this belief, is placing undue pressure on the facility.
- 1.11 The Inspector’s statement about the consequences of the overcrowding reflects the overall findings in this inspection report. The consequences are indeed significant. The increased numbers – above what the prison accepts as operational – have destabilised what has historically been a manageable environment with a stable and settled prisoner population.
- 1.12 This disruption is explored in detail in chapter four of this report which describes the erosion of the hierarchical management model as a direct result of overcrowding. This has removed from staff the flexible management options they previously had available to them which ensured the maintenance of a stable prison environment. In the absence of this model, the original purposes of the various accommodation blocks have become confused. Prisoners requiring different levels of supervision are mixed together, often in units in which they have not earned the privilege to reside (eg, the self-care unit).

A CHANGING PRISONER PROFILE

- 1.13 In the past Bunbury Regional Prison has been referred to as a sex offender prison because sex offenders comprised a critical mass of the prisoner population. The previous inspection report noted that the population of sex offenders at Bunbury had diminished and that the number of violent offenders had increased.⁸ In response to this, the Office recommended that the Department ensure that the rehabilitative programs provided at Bunbury meet the demand and needs of the prisoner population profile. This referred specifically to introducing violent offending programs to cater for the offending treatment needs of the increasing violent offender population.
- 1.14 The pressure of overcrowding contributes to the changing prisoner profile by reducing the discretion local management has in accepting or refusing certain types of prisoners. This further destabilises a settled population by interfering with the prisoner mix thereby upsetting the prisoner dynamics. Whilst this Office acknowledges that prisons need to be able to manage different classes of prisoners with different offending backgrounds, consideration must be given to the safety implications of assigning prisoners to prisons solely on the basis of filling beds, rather than on the basis of an assessment of each prisoner in the context of the particular prison and prisoner mix.
- 1.15 The purpose of this chapter so far has been to provide a context for Bunbury Regional Prison – a picture of its current operating environment and the pressures prison management is confronted with which are constantly reshaping this environment. This context sets the scene for the inspection findings and how these have been represented throughout this report.

8 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) v.

A FOURTH AND A FIRST INSPECTION

- 1.16 This was the fourth announced inspection of Bunbury Regional Prison. The previous three inspections occurred in December 2002, December 2005, and August 2008 respectively. The current inspection commenced on Sunday 24 July 2011 and concluded with the Inspector's exit debrief on Friday 29 July 2011. The usual robust inspection methodology was employed with an experienced inspection team, including one expert adviser who inspected education services at the prison.
- 1.17 This inspection was also the first inspection of the PRU, which opened in November 2008, less than three months after the last inspection of Bunbury. The PRU is a self-care pre-release facility in which minimum security prisoners are accommodated in 12 shared houses with a design capacity of six prisoners to each house. The original capacity of the PRU (72 prisoners) was exceeded only six months after it opened. By May 2009, three rooms in each house were double bunked in an attempt to keep up with the demand for minimum security beds. This raised a number of questions for the inspection team including whether the overcrowding had impacted negatively on pre-release services and why the 37-cell unit five had not been used to take the overflow of minimum security prisoners. These issues are addressed in chapter seven of this report.

Chapter 2

MANAGING THE BUSINESS

THE MANAGERS

Strong Leadership

- 2.1 In 2008, the leadership team at Bunbury Regional Prison was stable and experienced.⁹ While the current management team is slightly different to the team that was in place three years ago, this inspection found the team to be positive and committed to the continuing improvement of the prison.
- 2.2 This inspection noted two particular strengths within the management team. The first, which has been a feature of Bunbury prison management in previous inspections, is the length of service and experience at this prison within the team. The second is the recent addition to this team of a new Business Manager whose motivation and knowledge has reinforced the leadership team.
- 2.3 Some other elements that contribute to the strength of this group include two Principal Officers, who are the link between administration and custodial officers, and the inclusion within this senior management group of managers across all working areas of the prison. Thus, the education manager, case management coordinator, nurse manager and Prison Counselling Services' clinical supervisor are all part of the senior management group and all have reporting requirements to this group.
- 2.4 The inspection found that the information that these managers are required to provide to the senior management group at the monthly meetings is very detailed and gives all managers a clear picture of the activities, outcomes and concerns of the various working groups in the prison. The information presented is recorded and distributed to senior management group members. This practice ensures that managers are accountable for their particular service area and provides the team an opportunity to critically reflect each month on their work, track their progress and consider continuous improvement options. The Inspectorate commends the Bunbury management team on both the composition and the processes of the senior management group.

Acting Positions

- 2.5 In late 2010, the Superintendent of Bunbury Regional Prison left that position to manage a special project in head office. At the time of this move the former Superintendent made clear his intention to retire once the project had been completed. If there is a weakness in the Bunbury prison management team, it is the number of positions that are filled on an acting basis as a result of the substantive Superintendent vacating his position. This includes the two most senior positions, namely Superintendent and Assistant Superintendent. This is in no way a reflection on the individuals currently acting in these positions: both of these individuals have had many years of experience in senior positions at the prison and there is no question about their capabilities. Rather, the problem lies in the uncertainty that this potentially creates.

⁹ OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 6.

- 2.6 Whilst it is acknowledged that acting arrangements do provide opportunities for professional development, it is also recognised that having people filling significant management roles on an acting basis over a long period can threaten the stability and strength of the team. In the exit debrief to prison and head office staff following the completion of the on-site inspection phase, the Inspector commented that these acting positions¹⁰

bring inherent uncertainties. There are too many actors in senior positions on short-term contractual arrangements. These comments are not a negative reflection on the qualities of the people in these acting positions (they are positive, experienced at Bunbury and are showing leadership and there is a good team spirit). The point is that the situation is destabilising, disheartening and dragging on too long.

Recommendation 1

The Department ensures that Bunbury Regional Prison has a permanent management team holding substantive positions.

Budget Pressures

- 2.7 For any prison to operate efficiently and effectively it must be resourced properly. However, efficient operations at Bunbury have become increasingly difficult due to severe budget cutbacks that have occurred during the past two years.
- 2.8 In March 2011, the Department was criticised in the Western Australia media for a \$29.3 million budget blowout.¹¹ Prisons across Western Australia had to account for their part in this. In a broadcast to all prisons, a request was made for each site to provide a summary report detailing the local measures each site had in train to reduce expenditure. Much of the overspend was attributed to staff overtime, resulting in the implementation of a system-wide overtime reduction strategy. The impact of this at Bunbury Regional Prison is explored later in this chapter.
- 2.9 The 2011–2012 budget for Bunbury is \$1,618,919 less than that allocated for the 2010–2011 financial year. In that year, Bunbury’s operating budget was \$17,985,756. In the 2011–2012 financial year, Bunbury has been allocated \$16,366,837. Chapter one of this report explained the current operating environment of the prison which is characterised by significant overcrowding, and a constant pressure to accommodate more prisoners. Viewed in this context, the decision to reduce the prison’s operating budget is difficult to justify.

10 Neil Morgan, Inspector of Custodial Services, *Exit Debrief, Bunbury Regional Prison* (29 July 2011).

11 The West Australian, *Prisons facing budget blowout* (1 March 2011). Available at <http://au.news.yahoo.com/thewest/a/-/wa/8927677/prisons-facing-budget-blowout/>

ACHIEVING A WORK–LIFE BALANCE

Working Overtime

- 2.10 One of the consequences of the \$29.3 million overspend was a directive from head office to all prisons to reduce expenditure. The steady increase in the prisoner population across the prison estate, especially from 2008 onwards, increased the staffing requirements in all prisons. In the absence of a group of trained officers to augment the permanent staff cohort, prisons were required to rely on officers using overtime to fill the necessary shifts – an expensive undertaking. The allocation for overtime shifts in the 2010–2011 budget for Bunbury Regional Prison was \$655,166. However, by 31 March 2011 expenditure on overtime had almost doubled to \$1,261,324 with still three months to go before the end of the financial year.
- 2.11 There appears to be an expectation among some prison officers that overtime is part of the job. A lot of officers make lifestyle decisions based on this expectation. The result of the overtime reduction strategy, therefore, was a large group of unhappy officers whose expectations of overtime to sustain their lifestyle choices could no longer be satisfied. Overtime should be the exception, not the rule.
- 2.12 The overtime reduction strategy at Bunbury was implemented in February 2011. The strategy was a collaborative negotiation between prison management, human resources personnel and representatives from the Western Australian Prison Officers' Union. The strategy incorporates 16 changes to current practice at Bunbury in order to reduce the need for overtime and includes:
- The cessation of the Friday afternoon visit session in the Pre-release Unit saving 64 hours of overtime each month. An impact study was completed by the prison with no adverse effects identified.
 - The introduction of eight-hour shifts for some positions, namely the orientation and projects officers.
 - Adjusting some officers' leave arrangements.
 - The cessation of secondments out of the prison.
 - A revision of the policy concerning secondary employment for those officers who have second jobs but who also have a high personal leave count.
 - A decision not to fill some short-term vacancies.
- 2.13 Despite the implementation of the overtime reduction strategy, expenditure on overtime at Bunbury remains high. For June 2011 the budget allocation for overtime was \$50,393, but the actual amount spent was \$96,380, representing an overspend of \$45,987. Trend analysis of overtime usage at Bunbury carried out by prison administration indicated two main drivers of the excessive use of overtime. These were the high number of officers on workers' compensation, and a disproportionate level of personal leave taken by some officers. To this end, one of the actions included in the overtime reduction strategy was an audit of the personal leave situation at the prison.

Taking a Break

- 2.14 The provision of personal and annual leave in the prison officers' enterprise agreement provides for the opportunity for officers to attain a work–life balance. In recent times at Bunbury, however, there has been an over-use by some officers of their personal leave entitlements.
- 2.15 Bunbury is funded for 161 custodial officers. In reality, however, owing primarily to elevated workers' compensation claims and personal leave levels, there are much fewer officers than that available to work on a daily basis. In April 2011, for example, there was an average of 8.06 staff absent from work each day. This added up to a total of 242 days lost in this month due to personal leave.¹² By June 2011, owing to efforts by prison management to address this overuse of personal leave, this figure was down to 114 days lost to personal leave.¹³ Prison administration must resort to using overtime to fill these vacant shifts, hence the overspend of the overtime budget noted in the section above.
- 2.16 The personal leave audit that was conducted by the administration team found that some officers had exhausted their personal leave allocations, some to the extent that they actually owed the prison work hours. The audit also uncovered some common factors among those officers with exceptional personal leave usage. Further, it emerged that officers were not aware of the correct procedures to be followed in applying and accounting for personal leave.
- 2.17 The findings of this audit have assisted the management team to begin addressing this problem. Individual leave management plans have been established for some officers. Also, officers who do book off for personal leave reasons are prompted to put in their leave application forms as soon as they return so the human resources team can keep track of their leave balances.
- 2.18 Prison management has had to start paying closer attention to this issue, and personal leave usage is now monitored more closely. Reporting against personal leave taken has improved with reports generating data that reflects the days of the week, hours per officer and the number of shifts lost to personal leave. The Superintendent is advised monthly of the personal leave levels and of those officers who appear to have abnormally high levels of personal leave usage.
- 2.19 Whilst it may only be a small group of officers who are exploiting this system, it impacts on the whole prison. Absences created by officers taking too much personal leave create a risk for the prison – these empty shifts must be filled through overtime, which is costly. If nobody is available to fill the shifts on overtime, there is the risk of operating under full staffing capacity which leaves those officers who are on duty exposed to unnecessary risks. The Inspectorate is satisfied with the measures the prison administration have adopted to manage this issue.

12 Bunbury Regional Prison, *Senior Management Group Meeting Minutes* (19 July 2011).

13 Ibid.

A Difficult Working Environment?

- 2.20 In July 2011, there were 18 officers on workers' compensation at Bunbury Regional Prison. This is a high rate of workers' compensation claims for the size of the staff group at Bunbury. When this Office inspected Casuarina Prison in April 2010, the inspection found that only eight staff were being managed on workers' compensation.¹⁴ Casuarina is staffed to manage between 600 and 700 prisoners, almost double that of Bunbury's prisoner population; given these figures, it would be reasonable to expect higher workers' compensation levels among the Casuarina officers than the Bunbury officers. This inspection of Bunbury, however, found the opposite.
- 2.21 Whilst some of the officers on workers' compensation have been assessed as fit to return to work, most often the conditions of their return to work assessments preclude them from being able to work in most areas of the prison. A return to work assessment that includes as a condition no access to or limited contact with prisoners is very difficult to achieve in a prison environment. There are very few positions in Bunbury Regional Prison that do not require officers to interact with prisoners.
- 2.22 Of the 18 officers on workers' compensation, four were stress-related claims and the remaining 14 were claims as a result of a physical injury. The Office examined the occupational safety and health (OSH) processes at the prison which may be the cause of some of these claims, but concluded that OSH factors could not account for the full extent of the workers' compensation problem at Bunbury.¹⁵ The prison has, however, been proactive in seeking to address any link between OSH considerations and workers' compensation claims by releasing an officer from custodial duties to undertake the role of OSH representative.
- 2.23 Although the causes of the high rate of workers' compensation claims at Bunbury were not clear, the effects are. Having such a high proportion of officers off-line impacts on the workload of other officers, costs the Department money, and undermines morale and corporate spirit.

Recommendation 2

That the Department establishes the causes underlying the high number of workers' compensation claims at Bunbury Regional Prison and addresses these.

14 See OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010) 21.

15 Neil Morgan, Inspector of Custodial Services, *Exit Debrief, Bunbury Regional Prison* (29 July 2011).

LOOKING AFTER STAFF

Training

- 2.24 The 2008 inspection found a lack of direction with regard to staff training, which was attributed to the absence of a dedicated staff member to coordinate training at the prison.¹⁶ The report of that inspection recommended that the prison assess the training needs of the officer group and develop and implement a training strategy.¹⁷ This recommendation was supported by the Department.
- 2.25 Since the last inspection, progress in relation to increasing staff training opportunities at Bunbury has been good. This is mostly due to the presence on site of a satellite trainer from the Department's Training Academy since 2009. Whilst he has overall responsibility for staff training on site, his main priority is to mentor and support the probationary staff who have recently graduated from the Academy.
- 2.26 Training provision at Bunbury is restricted to a few hours each Thursday morning during which time the prison is locked down to enable all officers to attend. The inspection team was informed that attendance at these training sessions has improved since the arrival of the new Business Manager who is supportive of the training officer's attempts to engage all staff.
- 2.27 The annual training schedule appeared comprehensive. The inspection revealed that all officers were up to date with their CPR training and that 29 officers had attended cultural awareness training in April 2011. In addition, 18 officers had attended training in working with people with mental health issues. Such training is beyond the standard prisoner management training and is assisted by on-site prison officers who are qualified to deliver certain training modules.
- 2.28 The biggest training issue at Bunbury was attending training off-site at the Academy in Perth for which approval from the Superintendent must be obtained. If the training relates directly to the officer's current duties, then the officer must be rostered to attend and be paid. This essential training cannot occur on a day off as this will incur overtime which is no longer permitted.
- 2.29 If the training does not relate directly to an officer's current job but is more a professional development opportunity, approval from the Superintendent must still be obtained, but this training has to be undertaken on a day off (for which the officer is not paid).¹⁸
- 2.30 There was a lot of confusion among officers about these arrangements with some officers claiming to have attended training on a day off expecting to be remunerated for this as if they had been rostered on duty. There is no excuse for this lack of awareness: management must ensure that accurate information about training arrangements is communicated regularly and clearly to staff.

16 See OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 3–4.

17 Ibid, Recommendation 1.

18 A consequence of this system is that if an officer is injured while attending this training, they are not covered by Workers' Compensation (although they are covered under the Department's Public Liability Policy).

Staff Support

- 2.31 The staff support system at Bunbury Regional Prison has always been quite robust, and this inspection confirmed the continuity of this tradition. In 2008 there were 13 staff support representatives, while in 2011 there were 18, representing all areas of the prison.¹⁹
- 2.32 The staff support group is well supported by a team (albeit small) at head office, and the staff support representatives were appreciative of this support. The team at head office provides training and ongoing support to these staff support representatives, as well as some one-on-one work with those in need of more support. Unfortunately, as a result of funding pressures, it is unclear whether the team will continue to be funded in the current financial year.

Occupational Safety and Health (OSH)

- 2.33 There is no dedicated Occupational Safety and Health (OSH) officer on site at Bunbury Regional Prison. Around the time of the inspection, the management of and responsibility for ensuring the occupational safety and health of all prison employees shifted from the Principal Officers to the Business Manager, who works with one prison officer to manage the OSH issues on site.
- 2.34 The prison is currently plagued by an unacceptably high number of workers' compensation claims, as described above. Given that at least some of these cases can be directly linked to occupational safety and health hazards in the prison, strong consideration should be given to creating a dedicated OSH officer position at Bunbury.

GOING GREEN

- 2.35 The prison's attempts to create a more self-sustainable, environmentally friendly setting have been haphazard. There is some recycling occurring, but this is not comprehensive or supported by a specific recycling industry at the prison. Some accommodation units have small vegetable gardens and the produce grown is consumed by prisoners in these units, but again this does not occur throughout the prison.
- 2.36 Positively, however, the prison had reduced its consumption of water, gas and electricity since the last inspection in 2008, and had introduced 'green' chemicals for use in the prison laundry. This indicates some consciousness of the importance of sustainability measures. Further, the introduction of a 'Green Team' in the prison to drive various sustainability projects is a commendable initiative. Progress against these sustainability goals must be reported at the monthly senior management group meetings.

19 Increasing from just six in 2005.

Chapter 3

MAINTAINING A SAFE, RESPECTFUL ENVIRONMENT

INFRASTRUCTURE IN NEED OF ATTENTION

Detection Systems and Razor Wire

- 3.1 Despite a program of significant security infrastructure upgrades in the three years since the previous inspection, the 2011 inspection found considerable deficiencies in some of the security systems at Bunbury Regional Prison. Most critically, the high number of false alarms created by some of the alarm detection systems and the fire alarm system were of concern. These alarms were routinely (in some cases daily) being triggered for no apparent reason.
- 3.2 This problem was attributed to poor installation of the fire alarm system during the recent upgrading of the system. The inspection team was told that the installation had not been conducted by a specialist installer, but by an electrician with no specific expertise in the installation of such equipment. This was understood to be a cost saving measure.
- 3.3 The risk that consistently failing alarm systems pose is that staff can become complacent, and this could result in failure to respond to a real event. The Department's own Operational Instruction 3 stipulates that '[F]alse alarm rates for the electronic security systems are to be kept to an acceptable operational level.'²⁰ This Office concurs with local management's view that such false alarm rates are not currently at an acceptable level, a view that is also supported by staff who were routinely rostered to the control room. While there is an established process for assessing the alarm, recording its malfunction and resetting it, the underlying fault must be rectified urgently.
- 3.4 This Office has an ongoing concern relating to the lack of capacity of prisons to successfully undertake the retrieval of a person caught in razor wire, which is typically used both in perimeter and internal fencing.²¹ This inspection at Bunbury was no different in this regard. These concerns were also emphasised by staff at the prison, who believed that they would be at risk should anyone become entangled in the wire.
- 3.5 The Department has generally agreed with the risks identified by the Office in regard to retrievals from razor wire at height, however the solution recently advanced to manage the risk has not ameliorated it to an extent that this Office believes is acceptable. When identified during the recent inspection of Bandyup Women's Prison as a significant risk, the Department responded as follows:

In June 2011, the Manager Emergency Management (MEM) met with the FESA Manager for Special Risks to discuss 'at height razor wire retrieval' at WA prisons with razor wire fencing in place. It was agreed that in the event of an 'at height razor wire retrieval', the local FESA or volunteer fire and rescue service *will attend and assist with the retrieval in a consultative and collaborative capacity*...Local Emergency Management Plans have been updated to reflect this agreement.²²

20 Department of Corrective Services, *Operational Instruction 3, Security and Control, Perimeter Security*.

21 For example see OICS, *Report of an Announced Inspection of Eastern Goldfields Regional Prison*, Report No. 72 (June 2011) [6.18]–[6.21], Recommendation 16; and OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011) [7.17]–[7.19], Recommendation 21.

22 OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No.73 (August 2011) DCS response to Recommendation 21(emphasis added).

- 3.6 As can be seen from this response, the agreement between FESA and the Department only involves the attendance of FESA (or, in the case of regional prisons, the volunteer fire and rescue service) at an incident to advise or consult with prison staff seeking to effect retrieval of a person caught in the razor wire at height. There is no commitment to any active participation by emergency services in retrieval efforts. There is also no apparent commitment to provide appropriate equipment or other resources by which such retrieval could be effected. The prisons, including Bunbury, do not have appropriate equipment on site and staff are not trained to safely engage in such a rescue. Similarly, to the Office's knowledge, neither FESA personnel nor members of the volunteer services are trained in razor wire retrieval techniques.
- 3.7 While it is acknowledged that the Department has made some effort to address this risk, it must accept that the use of razor wire imposes an obligation to manage the possibility of a prisoner, intruder or staff member becoming ensnared in the wire. The Department must be able to operationalise a retrieval plan of its own accord, which includes the provision of appropriate equipment and training for relevant staff to successfully effect a razor wire retrieval. A recommendation to this effect was made in the recent Bandyup inspection report and the intent of that recommendation is reiterated here.²³

The Front of the Prison

- 3.8 The gatehouse at Bunbury Regional Prison is original and was purpose built for a much smaller facility that was fully contained within a perimeter fence: a very different prison to that which exists in 2011. It is quickly approaching the point where it is no longer fit for purpose, a situation which will inevitably create security and safety risks for staff, prisoners and visitors.
- 3.9 The increased prisoner population has inevitably impacted on the business of the gatehouse. More prisoners mean more social and official visitors and all staff and visitors must pass through the gatehouse before proceeding into the prison or before entering the PRU, which is located outside the perimeter fence.²⁴ The space inside the gatehouse is small and when a number of visitors and staff are congregated in this area at the same time, staff can have difficulty properly observing and monitoring movements.
- 3.10 With the increased prisoner population, more prisoner transport vehicles arrive and depart from the prison than has historically been the case. The design of the gate and prisoner reception area has not changed to accommodate this, and does not, therefore, provide the prison with the suitable infrastructure for managing prisoner arrivals and departures. The sally port is detached from reception, so transport vehicles are required to pass through the sally port for inspection and processing and then proceed into the prison to the reception area. There is no secure area at reception in which to transfer the prisoners; they disembark into an open environment in sight of other prisoners, which could constitute a security risk. Investment in 'front of prison' infrastructure upgrades at Bunbury Regional Prison should be a priority if the Department is committed to maintaining the safety of staff, visitors and prisoners entering the prison.

23 Ibid, Recommendation 21.

24 Likewise, staff and prisoners moving from the main prison to the PRU (or vice versa) must also be processed through the gatehouse.

Recommendation 3

Upgrade the sally port, gatehouse and reception area at Bunbury Regional Prison to allow for more efficient and secure entry processes for staff, prisoners and visitors.

EMERGENCY MANAGEMENT

- 3.11 In line with the Department's *Emergency Management Framework*, the administration at Bunbury Regional Prison has developed a comprehensive set of local emergency procedures.²⁵ Emergency scenarios tested at the prison had been thoroughly documented and action plans developed where weaknesses had been identified.
- 3.12 At Bunbury, a minimum of six emergency exercises is required to take place each year, at least one of which must be a 'live' exercise.²⁶ At the time of the inspection in July 2011, five exercises had been conducted, all relating to a perimeter breach. Four of these were real scenario exercises, with one being a repeat of a previous exercise (conducted because of poor performance).
- 3.13 The Office is concerned about the limited scope of these emergency exercise tests, which have been restricted to scenarios involving someone approaching the perimeter fence.²⁷ Limiting the exercises in this way could result in staff being ill equipped to deal with other emergencies which can put their lives and those of the prisoners at risk. The security team at Bunbury acknowledged that this was an area in need of improvement and stated that it was planning at least another two to three exercises this year, including a fire scenario involving FESA.
- 3.14 The Office is also concerned that a minimum of six exercises per year, with only one required to be 'live', may be inadequate, especially given that a proportion of staff may be on leave or rostered off at the time of the live exercise. A prison that only meets this bare minimum leaves its staff exposed to risk, a feeling strongly vocalised by staff during the inspection. Indeed, in the pre-inspection survey conducted with staff, only 56 per cent of respondents believed that they were adequately trained to deal with an emergency situation in which fire or some other natural disaster were involved. Even worse, only 42 per cent believed they had adequate training to manage a loss of control incident.

Recommendation 4

Increase the number and diversity of emergency management exercises held each year at Bunbury Regional Prison to better prepare officers to deal with emergency situations.

25 Department of Corrective Services, *Policy Directive 72 'Emergency Management – Superintendent's Responsibilities and Exercise Management'*, section 5.1.

26 Ibid, section 5.3.

27 It should be noted that the pre-inspection documentation supplied to the Office indicated that a greater number of exercises had been conducted incorporating a greater diversity of scenarios. It is concerning that the Office was provided with an incorrect reflection of the true activity of the prison.

Fostering Strong Information Sharing Partnerships

- 3.15 Whilst it is the general responsibility on a day-to-day basis of all staff to maintain a safe environment within the prison, the security team with specific responsibility for this comprises a security manager, a senior officer, a prosecutor and an administrative officer. In the Office's opinion the effectiveness of this team would be complemented by establishing a position of Intelligence Coordinator. Reporting requirements relating to collection and analysis of intelligence have increased, as has the requirement to provide better quality reports. The absence of a central coordinating point for collation and analysis of intelligence at the prison is seen as a gap in the team.
- 3.16 In respect of collation of intelligence, the inspection uncovered a sense of frustration among staff about what is perceived to be a lack of coordination and information sharing from Justice Intelligence Services (JIS) within the Department.²⁸ While information is regularly communicated to JIS by the prison (through required reporting at specific intervals), information from JIS about the risks the prison might be required to manage is often not as forthcoming. Examples provided to the inspection team included instances in which prisoners were transferred to Bunbury from other facilities without information from JIS about the risks posed by these specific prisoners. This is consistent with similar complaints heard by the Office during recent inspections of metropolitan prisons.

Recommendation 5

The Department improve process and information sharing between Justice Intelligence Services and prison sites.

A Renewed Focus on Procedural Security

- 3.17 Over the past three years, the Department's Security Directorate has made a concentrated effort to improve the coordination and consistency of prisons' security procedures. This statewide security strategy has resulted in more significant changes at some prisons than others, and Bunbury has experienced a renewed focus on procedural security as a result of implementation of the strategy.
- 3.18 The security team at Bunbury has implemented some key changes to security procedures since the last inspection. These are appropriate given the changing prisoner profile, the overcrowding and the influx of new staff. The most significant of these changes identified during the inspection were:
1. A comprehensive key audit was conducted at the prison and new keys were installed at a number of sections within the prison.²⁹ In addition, following a departmental standards and compliance audit procedures were changed so that staff were no longer permitted to remove keys from the main prison when they attended the PRU.³⁰

28 JIS is the section within the Department responsible for collating all intelligence-related information.

29 Completed 8 March 2011 by the Manager Statewide Security.

30 Department of Corrective Services, *Operations Compliance Follow-up Review – Bunbury Regional Prison*, Report ACSR (May 2010) 11.

2. Changes to the procedures relating to prisoners taking food and drinks in to their visits were implemented. These changes are not specific to Bunbury and apply to many prisons across the Western Australian custodial estate. Any leftover items not consumed during a visit must be discarded. Further, packaged food must be opened and served on a plate rather than eaten from the packaging. This change allows for more vigilant observation by the officers.
 3. A comprehensive tool audit, on a scale not previously undertaken, was instigated immediately prior to the inspection. Once the audit outcomes have been finalised, a routine system of accounting for tools will be implemented. Further, a routine system of searching the industrial areas will be applied.
 4. Improvements to documenting and coordinating routine searches of prisoner accommodation and unit common areas have been made.
- 3.19 Another security-related concern raised with the inspection team was the long-term absence of a passive alert detection dog (PADD) at Bunbury Regional Prison. While notionally managed centrally from a base located at Hakea Prison, most prisons have a PADD assigned to the prison and based on site. The PADD is used for searching visitors, for regular random searches within the prison and in targeted operations. This has been of particular concern for the security team in light of a recent 'resurgence in drug use' at the prison.³¹ The inspection team heard that complicated human resources issues underpinned the absence of a PADD at Bunbury. While the Office does not want to interfere in the resolution of this administrative problem, it is clear that this issue must be swiftly resolved.
- 3.20 Random searching of staff does not occur at Bunbury and the inspection team was informed that this has been the long-standing local policy. The issue was identified as problematic in the May 2010 compliance audit conducted by the Professional Standards branch within the Department.³² However, more than a year later, the situation has still not been addressed. Given the concern voiced by management about contraband in the prison and the impact of not having a PADD on site, it is concerning that this issue remains unresolved.

The Dynamic Relationship Between Staff and Prisoners

- 3.21 The Inspectorate's Code of Inspection Standards states that dynamic security is 'arguably the most important element of an effective, humane and safe custodial environment'.³³ Dynamic security is reliant on regular positive interaction between prisoners and prison officers, as officers who actively engage and interact with prisoners are in a better position to gather information, be aware of potential conflicts and use this awareness to prevent incidents. Constructive interaction will also improve the experience of imprisonment for prisoners and provide a more positive prison atmosphere. In effect, the information gathered through positive interactions, the trust that can develop from respectful relationships and the deterrent value of the visibility and presence of staff within this dynamic environment cannot be understated.

31 Security Manager Bunbury Regional Prison, *Bunbury Regional Prison Monthly Reporting* (July 2011) [5.2.4] 'Urinalysis Testing'.

32 Ibid, 12.

33 OICS, *Code of Inspection Standards for Adult Custodial Services* (April 2007) 27.

- 3.22 Findings over the last three inspections have been positive in this regard. Staff have traditionally been present and active within the accommodation units and in common areas and this has allowed Bunbury to successfully manage its protection population in an open environment, and may account for the relatively low level of incidents that has been Bunbury's trademark.
- 3.23 Since the time of the last inspection, however, a number of factors have impacted on the operational environment of the prison. The prisoner population has risen considerably, the proportion of violent offenders has continued to rise, and the staffing group has expanded to include more less-experienced prison officers and officers transferred from higher security facilities. The findings of this inspection with regard to dynamic security were in consequence more negative than in previous inspections.
- 3.24 The pre-inspection prisoner survey results reflected these findings. In 2011, 48 per cent of respondents commented that their relationship with unit officers was 'mostly good'. In 2008, this percentage was 56. More significantly, when asked how supportive officers were, only 36 per cent of the prisoner respondents said that they were 'mostly good', a fall from 64 per cent in the 2008 pre-inspection prisoner survey. Interestingly, where custodial staff had lost ground, the VSO group had gained recognition from prisoners. In 2008, only a quarter of the prisoner respondents felt that the VSOs were supportive. This had risen to three-quarters in the 2011 pre-inspection prisoner survey.
- 3.25 The change in the relationship between officers and prisoners at Bunbury was also reflected in the staff pre-inspection survey. In this survey, only seven per cent of the respondents agreed that assisting prisoners was the most satisfying aspect of their job. Despite these results, both officers and prisoners still reported feeling 'mostly safe' in the prison (55% for officers and 79% for prisoners).
- 3.26 The deterioration in positive staff-prisoner relations uncovered during the inspection may have something to do with the rise in assaults at the prison. The importance of respectful relationships between officers and prisoners in preventing incidents has been stated above. Where relationships are less positive, the capacity to predict, prevent and manage incidents is eroded. Whilst the number of assaults overall occurring at Bunbury is not high, the level of assaults by prisoners against prisoners has increased over the course of 2011. Statistics provided by the prison indicated that while these assaults remain at less than one per cent of the population, they have increased from 0.31 per cent between January and March 2011 (one assault per month), to 0.62 per cent in April and May (two assaults per month) and then up to 0.91 per cent in June (three assaults).³⁴ Further, the inspection team was informed that there is probably a significant level of under-reporting of these assaults by prisoners.

34 Security Manger Bunbury Regional Prison, *Prison Incidence of Violence* (July 2011) [5.2.1].

- 3.27 During the current inspection the inspection team observed that the extent of interaction between staff and prisoners within the units and during recreation time had decreased from that recorded during previous inspections. Many prisoners interviewed by the inspection team thought they were ‘fobbed off’ by officers when approached for assistance. The inspection team was told that officers only accept requests from prisoners during the daily ‘I want parade’ which occurs each morning for half an hour. Staff also expressed concerns to the inspection team about a change in culture regarding interaction with prisoners. Most staff attributed this to the increase in prisoner population and the introduction of less-experienced staff to what has traditionally been a stable, long-term staffing group.
- 3.28 Pleasingly, despite some subtle shifts in culture, Bunbury was still able to manage so-called ‘protection’ status prisoners successfully and safely in an open environment. This is a unique feature for Bunbury that this Office has always applauded. An effective dynamic security system is key to ensuring the successful ongoing management of this population.

Recommendation 6

The Bunbury Regional Prison leadership team reinvigorate and reinforce an ethos of prisoner management that emphasises high levels of engagement with prisoners to enhance the safety of prisoners and staff and to restore the excellent levels of interaction found in past inspections of the prison.

Disciplinary Measures

- 3.29 The charging, prosecuting and sentencing of prisoners involved in internal breaches of prison regulations at Bunbury Regional Prison were found to be appropriate. The least serious of these breaches are managed through loss of privileges orders (LOPs) which officers may issue at their discretion. There was no evidence that the LOP system was being abused by staff at Bunbury. Whilst some prisoners complained about overuse of LOPs, data extracted from the Department’s electronic prisoner database (TOMS) did not support these claims.
- 3.30 Officers issuing an LOP are required to record it on TOMS and, in the first six months of 2011, 79 LOPs were recorded. On the day that these statistics were checked on the system, 16 individual prisoners at Bunbury were subject to an LOP, which involved the loss of an electrical item, loss of contact visits or confiscation of personal property.³⁵ A random check of the corresponding incident reports to some of these LOP incidents indicate that the penalty imposed was appropriate for the infringement documented.
- 3.31 The issuing of LOPs is the mildest form of penalty that a prisoner can expect for breaches of prison rules. The security team at Bunbury informed the inspection team that, in some instances, incident reports recommending formal charges against a prisoner for a breach had been vetoed by them in favour of the less harsh disciplinary measure of an LOP. This indicates an active monitoring of behaviour management options which is good practice.

35 TOMS data, *Report tree, incidents and charges, loss of privileges, facility*, run 3 August 2011.

- 3.32 The process of managing more formal disciplinary measures such as the hearing of charges either by the prison Superintendent or a Visiting Justice was found to be reasonable, with a good balance between justice and fairness. Charges are processed in a timely manner and prisoners are provided with the necessary information about the charges prior to them being heard. There is a good relationship between the prosecutor and the Visiting Justice, both of whom seem to actively consider the impact of imposing a prison-based sentence on the prisoner's future progression through the prison system.
- 3.33 Importantly, staff felt that the disciplinary and prosecutions process at the prison operated effectively. In a significant improvement from the 2008 findings, the pre-inspection staff survey indicated that 75 per cent of staff felt the system operated well, up from 30 per cent previously.
- 3.34 The number of prison-based charges has increased over the past two years. During the 2009–2010 financial year, 212 charges were heard at Bunbury. Over 2010–2011 this increased to 290.³⁶ Examination of the prosecutor's charge book showed that at 29 July 2010 the prosecutor had laid 103 charges. This number had increased to 142 charges on the same date in 2011.
- 3.35 The overcrowding has indeed eroded many behaviour management processes previously used to maintain the settled nature of the prisoner population. A change in the prisoner profile at Bunbury, forced cell sharing, and the demise of the hierarchical management model are some of the consequences of the overcrowding and potentially some of the factors contributing to the increase in incidents. These issues are explored in more depth in the next chapter.

OPPORTUNITIES TO COMPLAIN

Informal Opportunities

- 3.36 This Office commonly encounters intense dissatisfaction and frustration among prisoners with regard to the effectiveness of the mechanisms available to them to voice complaints. Too often inspections reveal that prisoners have no confidence in these mechanisms.
- 3.37 There is a well-documented process within the Department for prisoner complaints and grievances. The general hierarchy for escalation of complaints across the system is:
1. resolve the issue at unit level (prison level);
 2. submit an official grievance form (prison level);
 3. submit a complaint to ACCESS (Department level); and
 4. submit an official complaint to an outside agency (including the Minister's Office, Ombudsman, Health and Disability Services Complaints Office, and Equal Opportunity Commission).
- 3.38 The so-called 'I want parade' at Bunbury Regional Prison has in the past minimised the dissatisfaction that prisoners have regarding the opportunities they have to resolve problems and to request assistance. The 'I want parade' occurs daily for half an hour each morning,

36 TOMS data, *Report tree, incidents and charges, charge history, facility*, run 3 August 2011.

during which time officers are available to attend to prisoner requests. These opportunities are highly valued by prisoners who queue up in anticipation of being able to access an officer to help with their request.

- 3.39 The 'I want parade' is good practice and has always been the foundation of the positive staff-prisoner relationships that have impressed this Office about Bunbury. These opportunities prevent minor issues from escalating. The 'I want' process depends on officers being genuinely committed to listening to prisoners and applying their best efforts to assist them or providing prisoners with advice about their options.
- 3.40 Unfortunately, this inspection found that prisoners had lost confidence in the effectiveness of the 'I want parade'. It was difficult to pinpoint a reason for this perception, although the following inspection findings do provide some contextual evidence that can be linked to the erosion of this system:
- Whilst the number of prisoners in each unit has increased the amount of time available for the 'I want parade' has remained the same, thereby limiting access.
 - The timing of the parade coincided with other prisoner obligations (breakfast, cleaning cell and dressing) so prisoners claim to have to sacrifice one of these activities in order to attend the parade.
 - Prisoners alleged that some staff were less willing to assist them than has previously been the case.
- 3.41 The 'I want parade' is an innovative practice unique to Bunbury that provides an invaluable prisoner management tool and has the added benefits of increasing prisoner-staff interaction and improving dynamic security. The Office encourages prison management to inspire a reinvention of this process. Staff should be reminded that their active engagement in this process is expected and is a key part of their daily duties.

Formal Opportunities

- 3.42 If an issue cannot be resolved at unit level or through the 'I want parade', prisoners can lodge an official grievance through the submission of a form. Prisoners are encouraged to try and resolve an issue at unit manager level before submitting an official grievance. The problem with this process is that the unit manager may be the cause or subject of the grievance. During the inspection, prisoner grievance forms were not freely available in units and prisoners were required to request them from officers. However, having to ask an officer for a grievance form can be intimidating for prisoners, many of whom stated that the officers sometimes dismiss their request. Many other prisons make the forms available freely to prisoners, and Bunbury is encouraged to follow this example.
- 3.43 Similarly, the yellow envelopes that allow prisoners to contact a range of external agencies confidentially (prison staff are prohibited by law from reading the letters contained in these envelopes) are only available on request at Bunbury. This is equally inappropriate. The yellow envelopes must be moved out of the unit offices and into the communal areas where prisoners can freely access them.

- 3.44 All the prisoners interviewed during the inspection about the complaint mechanisms at the prison were dismissive of them and did not believe they were effective. Indeed, the majority of these prisoners stated that lodging grievances is actively discouraged by officers at Bunbury and they felt pressured not to speak up if they had a complaint.
- 3.45 While allegations of pressure to remain silent are difficult to prove, this Office is not minded to dismiss these as the grumblings of disgruntled prisoners. Prison management must direct staff that all prisoner problems, complaints and grievances are to be treated with respect.

Recommendation 7

Bunbury Regional Prison management evaluate the functioning of the 'I want parade' to ensure it is still meeting the needs of prisoners and staff to address prisoner needs, and modify practices based on the outcome of this evaluation.

KEEPING PRISONERS INFORMED

- 3.46 All prisoners should have the right to be able to access relevant and contemporary information relating to any aspect of the law that affects their situation. This is most obviously the case with people who have been remanded in custody pending trial. Legally they are innocent until proved guilty and they may need to access information to assist them to understand their case and the legal proceedings or to represent themselves in those proceedings.
- 3.47 On 24 July 2011, the first day of the on-site inspection, there were 32 remand prisoners at Bunbury, just over nine per cent of its total population. The remandees interviewed during the inspection were mostly content with their treatment by the prison, their access to daily visits and telephone contact with their legal representatives. However, the Inspectorate's Code of Inspection Standards requires that remand prisoners be assisted to prepare for their court appearances, and this necessarily includes access to up-to-date legal library resources.³⁷
- 3.48 Many sentenced prisoners also have legal issues about which they should readily be able to access information. These include matters pertaining to the Prisoners' Review Board, appeals, family court matters, violence restraining orders and so on. Bunbury houses a significant number of long-term prisoners and many of them raised one or more of these specific matters with us.
- 3.49 The library at Bunbury is light, airy and pleasant. There appeared to be up-to-date copies of Department of Corrective Services Policy Directives and of local prison orders so that prisoners do have access to rules relevant to their daily lives at Bunbury. However, other legal resources were limited and poor. Whilst there are obvious security concerns with respect to online access of legal resources, material can be obtained and regularly updated on disk. At Bunbury, there were no legal resources provided on disk and neither was there a computer in the library for accessing material.

37 OICS, *Code of Inspection Standards for Adult Custodial Services* (19 April 2007) 6.3.

- 3.50 Without access to computer-based materials, prisoners must rely on hard copies. At Bunbury, the hard copy legal materials were disorganised, outdated and misleading. For example, the most up-to-date copy of the Criminal Code located by the inspection team was dated 1993. The copies of the *Prisons Act* and the *Sentence Administration Act* (both essential in any prison library) were also out of date. The ‘fact files’ contained information about restraining orders from 1996. This noted that a new *Restraining Orders Act* was being drafted: the new Act came into force in 1997. Some of the information about parole dated back to 1998, at which time both the legislation and the Board practices were quite different.
- 3.51 Unfortunately, these failings are not unique to Bunbury. Even at the state’s two main remand facilities – Hakea Prison and Bandyup Women’s Prison – access to legal resources has been unacceptably poor.³⁸ Given the ease with which legal materials can be accessed and updated electronically, the situation with respect to legal resources at Bunbury and across the custodial system in Western Australia is wholly unacceptable.

Recommendation 8

The Department meet its obligation to provide legal resources to prisoners throughout the state, including those accommodated at Bunbury Regional Prison, by establishing system-wide access to all relevant materials and by maintaining and updating these materials.

38 Following this Office’s inspection reports on Hakea in 2007 and 2010, the Department promised action. See OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 45 (September 2007) and OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010). The Inspector was unhappy with the slow progress against the Office’s findings and, in February 2011, visited Hakea with the Chief Justice of Western Australia and the Chief Judge of the District Court. The Chief Justice communicated to the Department his concern about the limited access to legal resources available to prisoners at Hakea. OICS, *Report of an Announced Inspection of Bandyup Women’s Prison*, Report No. 73 (September 2011) again found the legal resources provided to prisoners to be wholly inadequate.

Chapter 4

LIVING IN BUNBURY REGIONAL PRISON

ENTERING PRISON

Reception

- 4.1 Not much has changed in reception infrastructure and processes since 2008. These are generally functioning well and within the requirements of the Office's Code of Inspection Standards.³⁹ The reception area is well staffed by a stable team that provides seven-day coverage. The inspection team observed good interaction between staff and new arrivals, and staff displayed sensitivity towards potential areas of stress for the newly received prisoners.
- 4.2 In the first six months of 2011, reception staff processed 330 admissions into the prison, including 135 remand prisoners and 162 prisoners from courts or police lockups in surrounding areas.⁴⁰ This represents a significant number of 'new' prisoners: that is, prisoners received from the community rather than transferred from another prison. These new receivals typically require more attention and observation from reception staff.
- 4.3 This presents an additional challenge to reception staff in allocating these new prisoners to accommodation units within the prison, a fundamental role that reception staff must carry out pursuant to Bunbury Regional Prison Standing Order B3 – Reception.⁴¹ Assigning prisoners to cells is a process that must take into account the prisoner's age, health status, offending history, alerts, and so on. This information may not be readily available if the prisoner is new to the system. In addition, given the overcrowding and the demand for bed space, most of the cell placements will, of necessity, be in doubled-up cells which may not appropriately take account of the information crucial to successful cell assignment.
- 4.4 Newly arrived prisoners are unable to access a telephone within the reception area because these telephones are not monitored and recorded. This deficiency was identified in the 2008 inspection and has not been addressed. Prisoners are often anxious when they enter prison and, particularly if they are received directly from a court or police lockup, they may need immediate access to a telephone to inform family of their whereabouts, arrange for the securing of valuables or arrange for alternative childcare.⁴² The Inspectorate reiterates the need for the prison to assess how it may address this issue to better meet the needs of prisoners. It should be noted that in circumstances where new prisoners maintain that their bail arrangements can be facilitated easily by a phone call, staff will often make calls on behalf of the prisoner to organise this.
- 4.5 One area of change since the last inspection has been the introduction of a revamped *At Risk Management System – Reception Intake Assessment* across the system. The new checklist provides a wider range of questions for staff in an endeavour to better assess the risk and needs of new prisoners. The experienced reception staff at Bunbury were critical of some aspects of the new system.⁴³ For prisons that experience a high volume of receivals, especially directly from courts or lockups at any time day or night, the process is very lengthy at a time when there may be no dedicated reception staff available, and in fact very few staff of any type to undertake the process.

39 OICS, *Code of Inspection Standards for Adult Custodial Services* (19 April 2007) 9–11.

40 TOMS, *All Offenders Received – Facility: Bunbury Regional Prison* (1 January 2011 – 30 June 2011).

41 Section 2(c).

42 See OICS, *Code of Inspection Standards for Adult Custodial Services* (19 April 2007) 4.

43 *Comments on New Checklist*, document provided by Bunbury Regional Prison staff (undated).

- 4.6 While the safety of prisoners should not be jeopardised, a compromise between thoroughness and timeliness must be achieved. Alternatively, resources must reflect the expected commitment to the process. The experienced officers conducting the process at Bunbury stated that some of the questions they were required to ask provoked an agitated response from some prisoners. Further, they also said that the repetitive nature of the checklist items meant that prisoners lost interest and may not therefore have answered the questions as thoughtfully as they could have.

Recommendation 9

Evaluate the new reception intake assessment process to ensure it is appropriately useful and valuable to prisoners and staff.

Orientation

- 4.7 An improvement to the orientation process at Bunbury since 2008 has been the extension of the orientation officer's formerly part-time status to a full-time orientation officer position. Whereas previously this officer's responsibilities were split between orientation, visits and videolink supervision, this division of labour no longer exists and the orientation officer now works solely in the orientation role.
- 4.8 The orientation process at Bunbury is a cross-divisional process that requires input not only from the orientation officer but also from unit officers, reception staff and the Prison Support Officer. The process at Bunbury was in line with the requirements of Policy Directive 18 and Bunbury Regional Prison Standing Order B5 with regard to the modules to be delivered and the time in which the orientation process for prisoners must be completed.
- 4.9 Prisoner attitudes towards orientation had improved in 2011 according to the pre-inspection prisoner survey. Sixty per cent of respondents to the survey indicated that they received the necessary information about the prison as compared to just 37 per cent of the respondents in 2008.

WHAT HIERARCHICAL MANAGEMENT SYSTEM?

- 4.10 Once prisoners have been oriented to the facility, they are placed in an appropriate accommodation unit and start to progress through their sentence. How a prisoner chooses to behave whilst in prison will influence the prisoner's experience of incarceration. The hierarchical management model in place in prisons in Western Australia provides different management options for different kinds of behaviour.

- 4.11 The purpose of a hierarchical management model for prisoners is to provide superintendents and prison officers a means by which to encourage prisoners to adopt law-abiding lifestyles through the provision of a hierarchical system of privileges and supervision levels that rewards prisoners that demonstrate continued acceptable behaviour.⁴⁴
- This system rewards those prisoners who consistently behave well with privileges, and reduces the privileges available for those prisoners who consistently misbehave. The privileges available depend on a prisoner's supervision status.
- 4.12 There are four levels of supervision in this hierarchical model – close, basic, standard and earned supervision. Each level adds or removes privileges. Most prisoners commence on a standard supervision level, on the presumption of good behaviour. Should their behaviour decline, they can be regressed to basic or close supervision. Those prisoners who behave well in the prison progress to earned supervision status, which attracts certain privileges. As a prisoner progresses through the supervision levels, she or he is subject to less supervision at each level. Thus, the highest supervision level, earned supervision, means that the prisoner's behaviour is such that it requires less supervision.
- 4.13 This system of regression and progression provides essential tools for a prison to manage all of its prisoners appropriately and safely. At Bunbury Regional Prison, however, the progressive creep of the overcrowding and associated double bunking over the last three years has eroded this system, and officers no longer have the flexibility of a range of placement options available to them to successfully implement the system.
- 4.14 The confused profile of the various accommodation units at Bunbury is explored further in the section below. The double bunking of the majority of the cells at Bunbury, including many self-care cells, is an unfortunate fact. The Inspectorate remains committed to the notion of double bunking as a temporary arrangement only and does not accept that this should become the norm for prisoner accommodation in Western Australia.
- 4.15 What double bunking means for officers at Bunbury is that privileged placement options are, more often than not, unavailable. The few single occupancy cells that are available at Bunbury are generally reserved for those prisoners who cannot share a cell due to medical, safety or other reasons. So placement in a single cell as a privilege is not an option. Further, the demand for bed space is such that officers may not even have the flexibility to accommodate prisoners on the same supervision level in the same cell. This means that there may be one prisoner on a lower supervision level than another, for example one on earned and one on standard, each of which attracts different privileges. The consequence is that the prisoner on earned supervision cannot have access to the level of privileges due to him as a reward for his good behaviour because that would unfairly advantage the prisoner on standard supervision and so the lower privilege range is set as the standard for that cell.
- 4.16 Prisoners and staff alike are feeling the effects of this. Where once the self-care unit was reserved for prisoners with the highest level of earned privileges and prisoners had to demonstrate that they were deserving of a place there, now it is simply referred to as unit three.

44 Department of Corrective Services, *Policy Directive 3 'Hierarchy of Prisoner Management Regimes'*, Purpose, 1.

Prisoners were extremely disgruntled about having to share enhanced living areas with those who had not necessarily earned their place there. This was particularly frustrating for prisoners who have been in self-care accommodation for a long time and who are serving a long sentence. Bunbury has always had a core group of long-term prisoners and this group has no doubt been influential in maintaining the prison's reputation as a very stable, settled place. The consequences of the overcrowding have undoubtedly unsettled this group of prisoners.

- 4.17 The Pre-release Unit (PRU) is the newest accommodation unit. Being a dedicated minimum security unit, it is also the most open and unrestricted. As such, it should be the most desirable living area; however, some minimum security prisoners indicated a reluctance to be transferred to the PRU saying that this unit was overcrowded and lacked the full scope of recreation activities that were available in the main prison. Likewise, the inspection team heard from many prisoners that they would prefer to remain in single cell accommodation in unit two (C block), the oldest and least attractive of the accommodation units, than share a cell in the more privileged self-care accommodation unit.
- 4.18 Staff lamented the erosion of the hierarchical management system as the loss of a valued and successful management tool. This serves to devalue their function as enforcers of prison policies and procedures and undermines the credibility of their role.

PRISONER ACCOMMODATION UNITS – A CONFUSED PROFILE

- 4.19 The various designations of the accommodation units at Bunbury are as confused as the supervision levels of the prisoners living in them. As a result of the pressure to keep all available beds filled, the accommodation units are not being used for the purposes for which they were designed.
- 4.20 Unit one is the maximum security unit. It consists of 14 double-bunked cells, four punishment cells and two medical observation cells. Being a medium security prison, Bunbury was not designed to accommodate maximum security classified prisoners for long periods. Traditionally, therefore, unit one is the unit in which new receivals to the prison are placed, whether these be from court or the local police lockup, or from other facilities. Maximum security prisoners from other facilities may be transferred to Bunbury for court or visit purposes, but these are generally short stays.
- 4.21 As a short-term accommodation space for those kept for brief periods at the prison, for court appearances, visits or while awaiting transfer to Perth, the conditions in the cells and shared spaces are not of the same standard as the other accommodation units. However, because of the general level of overcrowding at the prison, prisoners of lower security classifications are expected to stay in this unit for extended periods when no other beds are available. This occurs frequently because the prison is regularly at full capacity before people remanded from local courts or arrested from local police arrive and take the population beyond its standard bed capacity.
- 4.22 This inappropriate placement of prisoners in accommodation designed for those whose security classifications require that they remain mostly in their cells and with limited access to services is unacceptable and should cease. For this to occur, the pressure that is placed on the prison to effectively remain continuously overcrowded needs to be lifted.

- 4.23 The previous section outlined the effect of this overcrowding on the hierarchical system. This has resulted in unit three – a previously settled and stable accommodation unit – becoming unsettled and confused due to the placement within the unit of inappropriate prisoners. Unit three was originally designed as self-care accommodation, consisting of 10 individual houses each with seven cells. All were designed as single accommodation cells, however all but two houses used for residential therapeutic programs (that is eight houses) have had bunks added to the cells, increasing the bed number of the unit from the design intent of 70 to 110 prisoners.⁴⁵ The design was intended to reflect as safely as possible a ‘normalised’ shared housing environment for prisoners who had demonstrated excellent behaviour and had earned the highest level of privileges within the prison. These prisoners were being rewarded for that behaviour through a better standard of accommodation, the ability to cook for themselves and to enjoy the benefits that come with this increased responsibility, as well as improved privacy and a higher degree of independence.
- 4.24 As mentioned earlier, this philosophy has been eroded and now many prisoners in this unit have to share a cell with another prisoner who may not have earned this placement. Placing prisoners without an earned supervision profile into this unit upsets the peace in the unit. Being a privileged self-care unit, it was not designed to cope with prisoners requiring high levels of supervision. Thus lines of sight and observation mechanisms for staff are not as sophisticated as in other units. This is a significant safety risk. Indeed, pre-inspection documents acquired by the inspection team indicated an increase in prisoner on prisoner assaults in this unit. All of these factors have combined to make unit three the most pressing concern relating to accommodation at Bunbury for the Office in 2011.
- 4.25 As long as the Department continues to insist on keeping prisoner numbers at Bunbury at capacity, with every bed filled all the time, the prison will remain vulnerable. This approach removes all flexibility in management and placement options and creates confusion amongst staff and prisoners.

Recommendation 10

Maintain prisoner numbers at Bunbury Regional Prison at a level which allows for a proper hierarchical model of prisoner management to be reinstated.

PRISONERS SUPPORTING EACH OTHER

- 4.26 The peer support system in prisons has been set up as an internal support mechanism for prisoners. The peer support group is managed by a Prison Support Officer (PSO), a non-custodial position. The peer support system at Bunbury has traditionally been very strong. In 2008, the Inspectorate’s impression of the peer support system at Bunbury was most positive – the system was ‘well managed’, and the peer support group was ‘respected’, as was the PSO.⁴⁶

45 Pre-inspection documentation requested – Bunbury Regional Prison’s Origins.

46 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 12–13.

- 4.27 In 2011 the PSO position-holder remains unchanged. The PSO is still very highly regarded by prisoners and management alike, and he continues to provide a valuable service. However, the inspection found that the peer support system as a whole at Bunbury appeared to have lost its way and was less robust than it had been three years ago.
- 4.28 The PSO's skills have been recognised at head office level and, as a result, these skills are called upon to assist other prisons in effectively managing their own peer support systems. What this means is that the Bunbury PSO is thinly stretched and can be off site for periods delivering training to other prisons' staff. This leaves the peer support system at Bunbury exposed. The stability of the Bunbury peer support system over the past many years has been a reflection of the overall prisoner population which has traditionally been very settled. The sections above describe how this settled environment has been compromised by the constant pressure to accommodate more and more prisoners. The current drift in the peer support team has most likely been exacerbated by this unsettled environment.
- 4.29 The importance of the peer support system as a mechanism to assist staff and management in supporting all prisoners, but particularly those who may be vulnerable or at risk, cannot be understated. The prisoners on the peer support team should be carefully selected taking into account the responsibility they will have in carrying out their peer support duties. Peer support prisoners provide a voice for those prisoners who may otherwise not be heard; the inspection found that this voice was not as clear and effective as it has been in the past.
- 4.30 The role of the peer support system has historically been to provide support to at-risk and vulnerable prisoners. To this end, peer support prisoners receive suicide-prevention training, and at Bunbury they have also received training in mental health first aid. This is a highly valuable role that the peer support team at Bunbury took very seriously. The role of the peer support team has broadened over time, however, to include advocating for other prisoners with respect to things like parole plans, requests for equipment such as hobby items and gym gear, and passing on complaints about aspects of the prison's operations.
- 4.31 These two roles can become confused. This has been recognised at other prisons, which have introduced alternative prisoner forums to represent prisoners on general prison-related issues. For example, Acacia Prison has the Prisoner Information and Activity Committee (PIAC) and Albany Regional Prison has recently introduced its own prisoner forum. These groups meet with management to communicate requests; the meetings are minuted and progress is tracked. Whilst the peer support team at Bunbury does meet with local management to put forward issues and requests, it appeared that this process was not working effectively. Management felt that the peer support prisoners were bringing the same issues repeatedly to this meeting while the peer support prisoners felt that management were not listening to their requests and that all requests met with a blanket 'no'. It was clear that the system was no longer working well.
- 4.32 It may be worthwhile to review the dual roles of the Bunbury peer support team with a view to changing the structure of prisoner support mechanisms at the prison. This could involve the development of an alternative prisoner forum such as has been implemented at other facilities.

Recommendation 11

Reinvigorate the peer support system at Bunbury Regional Prison. In addition to the peer support team, consider introducing a prisoner forum (akin to those operating at Acacia and Albany Prisons) as an alternative mechanism for prisoners to raise concerns with management.

ABORIGINAL PRISONERS

- 4.33 At the time of the inspection, there were 60 Aboriginal prisoners incarcerated at Bunbury Regional Prison. This represented 25 per cent of the total prisoner population. This Office has always been concerned about what it believes to be an under-representation of Aboriginal prisoners at Bunbury Regional Prison. However, it is noted that the majority of the Aboriginal prisoners incarcerated at Bunbury Regional Prison are from the area and are therefore close to home, friends and family. Unlike many other prisons in Western Australia, there was not a disproportionate number of displaced, out of country Aboriginal prisoners held at Bunbury when they should be incarcerated closer to home.
- 4.34 The inspection found that the Aboriginal prisoners at Bunbury were engaged in various work activities across the prison and their gratuity levels reflected those of the general prisoner population. This indicated to the inspection team that there was no discrimination against Aboriginal prisoners with regard to work opportunities.
- 4.35 In 2008, the Inspectorate made two recommendations to improve the experience of Aboriginal prisoners living in Bunbury Regional Prison.⁴⁷ The first of these related to the development and implementation of a cultural learning program for Nyoongar prisoners. The second recommended the re-establishment of regular attendance by representatives of the Aboriginal Visitors Scheme (AVS) at the prison.
- 4.36 The Department supported the second recommendation and this Office is pleased to see that AVS attendance at the prison is occurring regularly. The first recommendation was supported in part, although again this Office is satisfied with progress against this recommendation. In April 2010 an Aboriginal tutor commenced work in the education centre at Bunbury. She delivers the Certificate of General Education which includes an Indigenous History elective, as well as the 'Keep your Culture, Keep your Job' course.
- 4.37 The inspection team received conflicting information relating to the provision of culturally appropriate food. On the one hand, team members were told that kangaroo meat was being provided weekly for prisoners to prepare for themselves. On the other hand, team members were informed that the prison was having difficulty sourcing the meat from the supplier, and prisoners were receiving this infrequently. The inspection team also heard that only some prisoners in certain work parties were being provided with kangaroo meat. The inspection team did observe for itself that kangaroo meat was available for purchase through the PRU supermarket.

47 Ibid, Recommendations 3 and 4.

- 4.38 These findings are consistent with those of the previous inspection in 2008. Then, different excuses were provided as to the infrequent provision of culturally appropriate food. Regardless of these justifications, the prison could be doing better in this regard and should commit to providing culturally appropriate food on a regular basis.
- 4.39 Difficulty obtaining approval to attend funerals was raised as an issue by the Aboriginal prisoners. This was the subject of much contention at the last inspection in 2008 and continues to be contentious among the Aboriginal prisoners. During the inspection there were concerns expressed by some Aboriginal prisoners that funeral applications from Bunbury prisoners (to attend a funeral that was to take place locally) had been rejected, while applications from prisoners in metropolitan prisons had been approved. This was a potentially fraught situation that the prison handled exceptionally well. A memorial service was held in the prison and those prisoners who could not attend the funeral had an opportunity to pay their respects to the deceased in an appropriate forum.

Chapter 5

MAKING A TOUGH ENVIRONMENT LESS SO

- 5.1 Prisoners receive a custodial sentence as punishment for their crimes and should not be subjected to further punishment unnecessarily whilst serving that sentence. To this end, there are options for prisoners to participate in activities or take up opportunities that can lessen the harshness of the experience of being in prison. This chapter explores these opportunities.

HAVING FUN, GETTING FIT OR 'LETTING OFF STEAM'

- 5.2 Recreation provides an important outlet for prisoners whether it be having fun, getting fit or just 'letting off steam'. The Inspectorate's Code of Inspection Standards requires as a minimum that prisoners be provided with these opportunities for at least two hours each day and that this time should not conflict with other aspects of the structured day regime. Recreation activities at Bunbury Regional Prison in 2011 did indeed achieve this and other components of an acceptable recreation system as set out in the Code of Inspection Standards.⁴⁸
- 5.3 In 2008, recreation activities available at Bunbury Regional Prison were the subject of complaints from a significant number of prisoners.⁴⁹ The pre-inspection surveys conducted prior to that inspection revealed that only 37.3 per cent of respondents were satisfied with their access to recreation. During the on-site inspection, prisoners reported that they wanted more oval time and more supervision from the Vocational Support Officer responsible for planning the organised recreation activities. Further, the recreation options available to the minimum security prisoners were limited with no oval attached to this unit. There were also no opportunities for these prisoners to be involved in external sporting activities in the local community, opportunities which do exist in other minimum security facilities in Western Australia.
- 5.4 In 2011, there was a slightly less negative attitude toward recreation amongst prisoners, with 41 per cent responding to the pre-inspection survey that they were mostly happy with their access to recreation and 55 per cent responding that they were mostly happy with the amount of organised sport at the prison. Moreover, recreation was listed by respondents as one of the three most-positive aspects to life as a prisoner in Bunbury Regional Prison.
- 5.5 The Inspectorate commends the overall management of recreation at Bunbury in a manner that allows potentially vulnerable prisoners to peacefully participate in recreation activities with other prisoners. Bunbury Regional Prison has always operated an integrated regime and has avoided segregating some classes of prisoners into 'protection' units like many other prisons do. This Office continues to view Bunbury's management of this in all aspects of prison operations, including recreation, as exemplary.

48 OICS, *Code of Inspection Standards for Adult Custodial Services* (19 April 2007) 49.

49 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 10–11.

- 5.6 There have been some changes to the administration of recreation at Bunbury, the most noteworthy being the addition of another Library/Activities Officer who has been in the post for around 12 months. This allows for seven-day coverage of this position thus increasing the availability of and access to this officer. The two officers work separate shifts but overlap one day each week, during which time one of the officers will spend the day at the PRU tending to the recreation needs of pre-release prisoners. The increased coverage also means that one officer is on duty over the weekend and this allows the library to be open on weekends as well as every weekday.
- 5.7 The Library/Activities Officers facilitate and schedule the active sports program but expect prisoners to assume most of the responsibility for the practical coordination of these activities. Two prisoners are paid as sports coordinators, one in the main prison and one in the PRU.
- 5.8 Prisoners in the PRU were less satisfied with their recreation options. The different operational philosophies of the two sites (the 'main' prison and the PRU) and their physical separation make it difficult for the Library/Activities Officers to comprehensively service the PRU, and this was reflected in prisoners' comments. Prisoners in the PRU experienced the same frustrations with their recreation choices as the minimum security prisoners residing in the now defunct minimum security section at the previous inspection in 2008. The primary issues for PRU prisoners in respect of recreation was the lack of access to an oval and the lack of opportunities to be involved in community-based team sports, which other minimum security facilities do accommodate.
- 5.9 With an increasingly ageing prisoner population, it would be prudent for the prison to consider incorporating recreation activities that are more appropriate for an older demographic. Some suggestions provided to the inspection team by prisoners included yoga and tai-chi.

Recommendation 12

Increase recreation opportunities to reflect the needs of the population, including more passive options for older prisoners and community integrated sports for minimum security prisoners who do not have access to an oval.

CATCHING UP WITH FRIENDS AND FAMILY

- 5.10 The importance of maintaining connections with friends and family whilst incarcerated cannot be overstated. The social visits system at Bunbury Regional Prison has continued its good form over the past three years, and 72 per cent of prisoner respondents to the pre-inspection survey agreed that they were happy with the visits system at the prison.
- 5.11 The first and second inspections of Bunbury Regional Prison in 2002 and 2005 were disappointing with respect to findings relating to the visits regime.⁵⁰ The biggest problem was the physical environment which was exposed to the elements, sterile in terms of family-friendly activities and did not encourage the kind of family contact essential to retain meaningful connections. The Office made recommendations for improvement following both of these inspections.⁵¹



An improved outdoor visits area in response to previous recommendations made by this Office.

- 5.12 Progress against these recommendations had been achieved by the time of this Office's third inspection of Bunbury Regional Prison in 2008. The physical environment had been improved by covering the outdoor visits area, the provision of tea and coffee-making facilities, and the creation of a small children's play area in one corner of the visits room.
- 5.13 In 2011, prisoners in the main prison at Bunbury enjoy the opportunity to visit with their friends and family seven days a week in the morning and afternoon. Three of these visits sessions are designated as adults only visits. This provides for those prisoners who may not have visits within the proximity of children due to the nature of their offence, as well as allows those prisoners an opportunity to enjoy a visit without children out of preference.

50 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 33 (June 2006); OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 16 (December 2002).

51 See Recommendation 5 in Report No. 33 and Recommendation 7 in Report No. 16.

- 5.14 The visits booking system is complex and well managed at Bunbury. It is the role of the visits booking officer to allocate visitors to visit sessions, but in doing so she must take into account any restraining orders that may be active, any alerts on the TOMS system that may prevent certain prisoners interacting with one another or one another's visitors, among other things. There is good information sharing between this position and the security team at the prison which facilitates the smooth operation of the visits system.
- 5.15 The most common prisoner complaints about visits at Bunbury were about security practices that have been put in place to limit the trafficking of contraband, in particular drugs. These practices are not unique to Bunbury Regional Prison but are applied at most prisons in Western Australia. Prisoners may bring items they have purchased through the prison canteen into a visit session to share with their visitors. The items must be opened, removed from their packaging and distributed onto plates: neither visitors nor prisoners may take any left over items away with them once the visit is over, and these have to be discarded. Prisoners complained about what they considered to be a waste of food and money, as well as unfair prejudice against their visitors.
- 5.16 Another security precaution relating to visits that prisoners were also angry about was the policy concerning the changing of nappies. This policy requires that, should a visitor need to change a baby's nappy during the visit, the visit session is either terminated or becomes a non-contact visit. Again, this is standard security practice across most prisons. While the Office understands prisoners' frustrations over these practices, they are in place ultimately to maintain and improve the safety of both prisoners and their visitors and as such this Office supports them.
- 5.17 In 2008, the minimum security prisoners lamented the inequity in the provision of visits for them. At that time, these prisoners, who resided in the old minimum security accommodation unit located outside the main prison, could only visit with friends and family on the weekend. In the context of that inspection, this was seen to be one of many areas of disadvantage suffered by the minimum security prisoners at Bunbury. The justification provided for this difference in visiting arrangements was that minimum security prisoners should be working full-time and should therefore not have any time for visits during the week.
- 5.18 The same philosophy has been applied to the PRU, the minimum security facility that replaced the old facility. The minimum security prisoners in the PRU do not have seven-day access to visits. Rather, these prisoners may only visit with their friends and family over the weekend. When the prisoner population in the PRU expanded to above capacity, an extra visit session was introduced for the PRU on a Friday. This session has, however, been cancelled due to under-usage. The weekend-only visits allowance for the PRU prisoners was not found to be problematic for the prisoners at this inspection. This may be a reflection of the environment of the PRU which has better living conditions than unit five and more activities available, including a better gym and a supermarket.⁵²

52 See chapter seven for more on the PRU.

EATING AND SHOPPING

Food

- 5.19 The responses to the 2011 pre-inspection survey in relation to food quality were significantly better than those obtained prior to the 2008 inspection. Three years ago, 45 per cent of the respondents were mostly happy with the food quality. This had increased to 64 per cent in the current inspection. Indeed, food was reported as being one of the most positive aspects of life as a prisoner in Bunbury.
- 5.20 Prisoners accommodated in unit two in the main prison attend the dining room to eat their meals. Meals are supplied to the maximum security section (unit one). Unit three prisoners (self-care) order and prepare their own food. The Inspectorate's Code of Inspection Standards requires that self-catering prisoner accommodation be monitored to ensure the appropriate standards of hygiene and nutrition.⁵³ The inspection found the prison to be non-compliant with this standard. There was no monitoring or supervision of the self-care catering system, and indications were that there was a lot of wastage of food occurring in the self-care cottages.
- 5.21 It is worth exploring some aspects relating to this finding. The first is financial. In the 2011–2012 budget for Bunbury Regional Prison, the money allocated for food supplies/catering was slashed by \$179,877. The prison asked for \$1,113,177 but only received \$933,300. The amount requested was less than that requested in the previous financial year's budget submission. There is pressure therefore to tighten up processes relating to food services and a big part of this is the system of providing food to self-care. Increased monitoring of this system in unit three is required if the system is to be maintained within current budget allocations.
- 5.22 The privilege of living in self-care assumes that the prisoners are able to look after themselves, their environment and those in it in a respectful manner. The preparation of food is an important part of living in self-care and this privilege has in the past been much respected by the self-care prisoners. Currently, however, many of the prisoners residing in self-care have not earned the privilege to be there. These prisoners may not necessarily bring the same maturity, respect and knowledge to their self-care status and responsibilities as those who have earned the privilege to be there. This increases the potential for mismanagement of food and might account for some of the wastage.
- 5.23 The monitoring of food management in the prison's other self-care unit – the PRU – was, however, found to comply with the Inspectorate's standard. There are two Vocational Support Officers (VSOs) responsible for food management in the PRU. One of these is a canteen officer who manages the supermarket/canteen and the town spends system. The other is a life skills officer, whose role it is to mentor and support the prisoners. In particular the life skills officer provides advice about ways to manage one's living environment: essential skills required for successful reintegration into the community.

53 OICS, *Code of Inspection Standards for Adult Custodial Services* (19 April 2007) 98.

- 5.24 Inspection team members were told that this officer spends a lot of her time each day in the units mentoring and helping the prisoners to manage their day-to-day lives. This mostly involves advice about correct cleaning methods and ideas and guidance relating to food preparation and how to increase the variety of the meals that are prepared. This is good practice and one from which unit three would benefit from.

Recommendation 13

Replicating the system in the PRU, provide a life skills officer to support, educate and mentor prisoners in the self-care unit in the main prison (unit three).

Shopping

- 5.25 Prisoners can ‘shop’ from prison by accessing the internal prison-based canteen or the ‘town spends’ system whereby they place their orders and a staff member purchases the items ordered at shops in the local town on their behalf.
- 5.26 Shopping at Bunbury is facilitated by three Vocational Support Officers, one in the main prison and two in the PRU. The systems set up for prisoner shopping in the PRU and the main prison are vastly different.
- 5.27 In the main prison, prisoners can shop at the canteen once a week. Prisoners can also order items not available through the canteen by placing a town spends order. There is a designated list of items for purchase through town spends. The canteen officer also manages the town spends shopping system.
- 5.28 Canteen orders are placed in advance and these are collected by representatives from the different accommodation units on designated days. The inspection found the canteen in the main prison to be just functional. It is an aged facility that was due for complete refurbishment some years back, but the renovation was suspended due to financial constraints. Instead some minor work was done inside the canteen storage area to improve the storage and work space for the officer and the three prisoners who work in the canteen.
- 5.29 However, these minor infrastructure upgrades have not matched the increase in the prisoner numbers that has occurred over the past three years. With only one VSO in place to facilitate the shopping requirements of more than 200 prisoners, the system in the main prison is under-resourced. Nevertheless, 57 per cent of prisoners who responded to the pre-inspection survey said that they were mostly happy with the canteen service. The canteen officer does a good job in overstretched circumstances.
- 5.30 In the PRU the life skills officer and the canteen officer manage prisoner shopping needs. One aspect of the life skills officer’s role has been discussed above. This officer also manages the supermarket in the PRU, which is co-located with the canteen.

- 5.31 Each of the 12 houses in the PRU receives a weekly budget of \$500 out of which they must purchase their weekly food, cleaning and toiletry products. A system is in place which regulates the type and amount of foods that can be purchased. This is the same system that is in place at Boronia Pre-release Centre for Women.⁵⁴ The system works well at Bunbury, particularly in conjunction with the awareness raising and information sharing approach provided by the life skills officer.
- 5.32 There were no prisoner complaints pertaining to the shopping system in the PRU. The range of goods available for purchase as canteen items was extensive. Further, the canteen officer had a proactive attitude towards her role and this was evident in her commitment to assisting PRU prisoners with their shopping requirements, including in relation to town spends shopping. Unlike the more restricted list of town spends items available in the main prison, the town spends shopping system in the PRU is a lot more flexible. The canteen officer makes an effort to find goods requested by prisoners, even if these are out of the ordinary. Overall, the inspection found prisoner shopping opportunities in the PRU to be excellent.



The range of items available for purchase in the PRU canteen is extensive.

CLOTHING AND SLEEPING ARRANGEMENTS

- 5.33 Seventy-six per cent of pre-inspection prisoner survey respondents felt that they were mostly happy with the prison clothing with which they had been issued. Their attitude toward their bedding was also positive with 67 per cent of respondents indicating that they were mostly happy with the quality of bedding provided. The inspection also found that a mattress replacement program had commenced and new, thicker mattresses were replacing the mattresses in use across the prison.

⁵⁴ See OICS, *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 42 (April 2007) 18–20.

- 5.34 In 2008, the inspection made adverse findings with regard to the multiple occupancy arrangement in unit two which incorporated the use of trundle beds. The 2008 inspection report described the Office's concerns as follows:⁵⁵

When the trundle is pulled out from under the main bed it takes up all but a small strip of floor in the room. It also results in the person sleeping on the trundle being located directly next to the toilet, making it impossible for the person on the fixed bed to access the toilet during the night without disturbing the prisoner on the trundle. Prisoners who had slept on trundles routinely complained about being woken during the night, being urinated on and suffering from cold drafts coming through the vents and under the doorway.

- 5.35 This led to a recommendation to abandon the use of trundle beds in shared cells.⁵⁶ The Department did progress this recommendation and the trundle beds have been replaced with wall-mounted double bunks.
- 5.36 Whilst the Inspectorate continues to oppose double bunking as a permanent prisoner accommodation solution, the replacement of the trundle beds in unit two at Bunbury with standard double bunks represents some progress.
- 5.37 On the other hand, the Inspectorate welcomed the new double bunking arrangement being implemented in the Pre-release Unit (PRU) at the time of the inspection. Whilst this Office remains of the opinion that the cells should be designated single cells, the new double bunking arrangement in this unit is an improvement. This new arrangement was initiated by the PRU manager. It involves replacing the traditional-style double bunk beds located in three rooms of each PRU house with two single beds. This initiative has been welcomed by the prisoners who are required to share rooms in the PRU, in particular the elderly residents.

55 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 8.

56 Ibid, Recommendation 2.

- 5.38 This new configuration of double bunking has not been at the cost of bed size – while the bed frame size has been reduced to accommodate two single beds in these rooms, the mattress size remains the same. Storage capacity has been increased with extra storage space provided under each single bed. These beds were being manufactured in the industries section of the main prison and were being installed as they were manufactured, starting with those rooms inhabited by older prisoners.



The modified double bunking arrangement in the PRU.

PERSONAL PROPERTY

- 5.39 The increase in prisoner population has made the management of prisoners' personal property across the system challenging. Double bunking often means double the amount of property in a cell. This has necessitated stricter regulation of prisoner property in cells and ultimately resulted in prisoners not being able to retain much personal property in their cells.
- 5.40 Whilst it is acknowledged that there are safety issues with having too much property in a confined space, it must also be recognised that access to personal property is an earned privilege. Section 15 of Policy Directive 42, for example, specifies that the number of electrical items a prisoner is permitted in his or her cell increases with his or her supervision level. Thus, prisoners who have 'earned supervision' status are allowed more electrical items than those on more restrictive supervision levels.⁵⁷

57 Department of Corrective Services, *Policy Directive 42 'Prisoner Property'*, section 15.

- 5.41 However, the collapse of the hierarchical management model, which has resulted in prisoners of different supervision levels being accommodated together in privileged accommodation units has compromised this privilege. Those prisoners who have earned supervision status but who share with standard supervision prisoners are subject to the property regulations that apply to the standard supervision prisoners and therefore cannot benefit from a privilege that they have earned.
- 5.42 This is particularly concerning for the long-term prisoners who have over their 10, 15 and even 20 years in prison, accumulated a lot of property. Under the hierarchical management model that should be in place, these prisoners would have reasonable access to their property. With this system compromised at Bunbury, these prisoners are seriously disadvantaged.

MAINTAINING SPIRITUAL CONNECTIONS

- 5.43 Overall this inspection found that prisoners' spiritual needs were sufficiently provided for at Bunbury Regional Prison, with positive changes having occurred since the last inspection in the staffing arrangements for the chaplains at the prison. Also, the inclusion of the chaplains in core prisoner-related operational processes is good risk management practice.
- 5.44 All prisoners, regardless of security classification, have access to the spiritual services provided by the chaplains at Bunbury Regional Prison. The chaplaincy at the prison facilitates various Christian fellowships with services held every Sunday both in the main prison and the PRU. A notable change in the chaplain staffing component since the last inspection has been the introduction of an Aboriginal chaplain at the prison.
- 5.45 Over the last few years, the chaplains have, when requested, arranged services for non-Christian prisoners, in particular Muslim prisoners. The chaplains have sourced prayer mats for these prisoners and provided a space for praying. The chaplains are also involved in delivering some voluntary programs to prisoners.
- 5.46 The chaplains reported a good relationship with officers who accommodate their presence at the prison until 6.45 pm every day. The chaplains are involved in operational processes and are part of the staff group that meets to discuss at-risk and vulnerable prisoners. These processes are the Prisoner Risk Assessment Group (PRAG) and the Support and Monitoring System (SAMS). Attendance at these meetings produces the most prisoner referrals to the chaplains.

Chapter 6

PROVIDING SERVICES TO THE PRISONERS AT BUNBURY

PROVIDING OPPORTUNITIES FOR LEARNING

- 6.1 In 2008, the education centre was identified as an area of the prison that was functioning particularly well.⁵⁸ This remains the situation in 2011. The inspection found a well-functioning education centre that is integrated into other aspects of the prison's operations.
- 6.2 The strength of the prison's leadership team is augmented by the inclusion of the non-operational managers within the senior management group.⁵⁹ The education centre manager is part of this group and must report on the progress and activities of the centre at the monthly senior management group meetings. The inspection found good, supportive relationships within this group, which provides a strong grounding for the non-operational service areas.
- 6.3 As at June 2011, there were 27 prisoners enrolled in full-time education. This included six prisoners in the Pre-release Unit (PRU).⁶⁰ Further, 160 prisoners were engaged in part-time education courses. The number of traineeships being managed through the education centre is also noteworthy as this has consistently been above the state average since April 2008. At the time of the inspection, there were 34 prisoners involved in traineeships across the prison. This was up from 20 during the previous inspection in 2008.
- 6.4 The pre-inspection prisoner survey revealed that 57 per cent of the respondents felt that the education/training in which they were involved will assist them in the future. Also, all of the prisoners interviewed in relation to education services were complimentary about the quality of the education services provided and the genuine compassion shown to them by the tutors.
- 6.5 The education centre also manages education services provided to the prisoners in the PRU. This ensures continuity of programs and tutors for those prisoners engaged in these when they move into the pre-release program.
- 6.6 An improvement since the last inspection has been the appointment of a part-time qualified Aboriginal tutor. The position-holder has introduced an Indigenous History elective into the Certificate of General Education for Adults. She facilitates the Keep Your Culture, Keep Your Job course and has planned other programs with an Indigenous focus for the future. This improvement signals acceptable progress against a recommendation made following the last inspection that 'the prison develop and implement a cultural learning program for Nyoongar prisoners'.⁶¹
- 6.7 The primary issue of concern with regard to the education centre that emerged during the inspection was the outdated infrastructure that led to frequent breakdowns of the centre's computer server and consequent loss of data. The computer maintenance process is sometimes lengthy because of the poor availability of computer technicians. The loading of new or requested software is often delayed for the same reason. This impacts on the productivity of both staff and prisoners. The problem is further exacerbated by the overcrowding that places extra stress on already limited resources like the computers in the education centre.

58 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 24.

59 See chapter two of this report for more detail.

60 Bunbury Regional Prison, *Senior Management Group Meeting Minutes* (19 July 2011).

61 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) Recommendation 3.

MAINTAINING A HEALTHY POPULATION

6.8 Bunbury Regional Prison boasts two relatively new and well-equipped health centres, one in the main prison and one in the PRU. The main clinic operates daily from 7.30 am to 6.30 pm. The health centre in the PRU is open each afternoon for medication administration and each Friday morning for the general practitioner (GP) clinic. In-house services are provided by a general practitioner, a visiting psychiatrist, physician and surgeon, clinical nurses (including a mental health/co-morbidity nurse), and pharmacists supported by medical reception staff. External services are provided by a dentist and dental nurse and allied health professionals.



The dental treatment room in the new health centre is fully operational.



Treatment room in the health centre with video conferencing facilities for remote consultations and training purposes.

- 6.9 Overall the inspection found that the nursing staff at Bunbury to be committed and professional, and to be doing the best they could in challenging circumstances. However, their efforts were being thwarted by resourcing/staffing shortfalls; the inflexibility of centralised pharmacy services; and clinical tools which limit the comprehensiveness of assessments. These issues are not confined to Bunbury and have been consistently raised following inspections of other prisons during 2010 and 2011. Nonetheless, as at other prisons, these issues are impacting on optimum service delivery and outcomes for prisoners.

Staffing

- 6.10 Despite the steady increase in the prisoner population over the three years since the last inspection, there has not been a commensurate increase in health staff resources at Bunbury.⁶² While the GP's availability has been increased from three to four days a week to meet the increased demand, the number of nurses has remained static. Furthermore, the status of the nursing positions also remains largely similar to that which was found at the time of the last inspection; that is, most staff were either acting or casual and few positions were substantively filled.⁶³ The exception was the Mental Health/Prison Addiction Services Team (PAST) nurse position which was filled just prior to this inspection.⁶⁴ This under-resourcing of nursing staff inevitably impacts upon health service delivery. These impacts should not be seen in any way as a reflection on the nurses as individuals, who are doing an excellent job in difficult circumstances.
- 6.11 The short-term impact of the limited number of nurses is a reduced capacity of the nursing team to consistently maintain its specialist clinic and care portfolio obligations (for chronic disease and blood-borne virus management) as well as its health promotion work. Acute/primary care has to take priority. The short-term impact of the casual contracts system under which most of the nurses are employed is that these contracts have to be renewed monthly. Whilst this process can now be completed locally, it is administratively burdensome. Furthermore, staff reported that in the process of contract renewal it is not unusual for access logins to the electronic databases (ECHO and TRIM) to be interrupted. This impacts upon staff's ability to record medical information contemporaneously and potentially places continuity of care at risk.
- 6.12 Longer term, of course, the protracted 'temporary' nature of a relatively depleted staff group, whose focus necessarily is to manage from day to day, can put at risk clear, strategic direction, service development, and team morale, stability and cohesion. The inspection team was encouraged to hear during the inspection that a clinical nurse recruitment campaign for Bunbury Regional Prison was to commence in the near future. It is hoped that this will result in positions being substantively filled.

62 The population has risen from 199 prisoners at the 2008 inspection to 327 prisoners at the 2011 inspection.

63 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 15.

64 Prior to this appointment, a mental health nurse had been contracted to attend the prison two days a week. However, his focus was limited to mental health and so the substance addiction work was shouldered by the primary care nurses, many of whom lacked specialist training or experience in this area.

- 6.13 There is no Aboriginal health worker at Bunbury and no plans to recruit are in place. Ironically, the reduced impetus to recruit Aboriginal health workers has probably not been helped by the injection of four years' funding by the Council of Australian Governments (COAG) to area health authorities. It is intended that these funds be used to employ Aboriginal staff to work with prisoners nearing release to ensure continuity of health care upon discharge. This is a positive initiative but should not be seen by the Health Services Directorate as a reason to abrogate its continuing responsibilities to provide culturally appropriate care by Aboriginal staff to Aboriginal prisoners during their time *in* prison.⁶⁵ In any case, complex bureaucratic processes have delayed the commencement of this COAG scheme around the state's prisons, including Bunbury, and, almost two years into the funding arrangement, it is unclear when the scheme will actually be operational.
- 6.14 A positive initiative since the last inspection has been the provision by the Health Department of Western Australia of the services at the prison of a visiting dentist and dental nurse once a week. Although one day a week only enables provision of a largely acute/emergency service, this nevertheless represents an enhancement on the service previously available to prisoners.
- 6.15 Prisoners are employed to clean the health centre, including the communal, consulting and storage areas. These are trusted positions and the work is carried out by prisoners who have completed basic training in cleaning as part of an asset management certificate. The health centre did present as clean and tidy; however, neither education nor nursing staff could confirm whether the training provided to prisoners equips them with the requisite skills and knowledge to undertake cleaning to a standard required of a clinical environment. This potentially exposes the health service to risk in terms of the integrity of its infection control program. Resolution of this deficiency should not erode prisoner employment in this area. Rather, a suitable solution should be developed whereby prisoners retain their employment in this area and the health centre meets the necessary cleaning requirements and standards.

Recommendation 14

Recruit an Aboriginal Health Worker for Bunbury Regional Prison.

Recommendation 15

Ensure that prisoners employed to clean health centres at Bunbury Regional Prison and other prisons are suitably trained to carry out such specialist cleaning services.

⁶⁵ The pre-inspection prisoner survey findings add further weight to this contention: only 30 per cent of Aboriginal respondents felt that staff understood their culture; and only 20 per cent of respondents felt that staff respected their culture. This latter figure represents a reduction of 17 per cent since the last inspection.

Access

- 6.16 The system for prisoners accessing the health centre has improved since the last inspection. Then, prisoners requested an appointment at the health centre in writing. Since then, a dedicated health centre telephone line has been installed which prisoners can use to telephone the health centre to make an appointment. This new phone system removes any barriers to accessing the health centre which the previous written system may have created. Prisoners in all units, except the maximum security unit (unit one), can use dedicated 'white' telephones located in their units to call the health centre. Unit one prisoners alert the nurses of their need for an appointment by placing an identifying card on the medication trolley which is cleared daily. Alternatively, because nursing staff administer medication in the unit twice daily, prisoners can also personally approach them with an appointment request. Staff advised and prisoners verified that, under this new system, non-urgent appointments generally occur within two to three days of a request.
- 6.17 Despite the relatively short waiting time and the new, improved telephone booking system, the results of the pre-inspection prisoner survey relating to prisoner satisfaction with access to health care were more negative compared with the findings of the 2008 pre-inspection prisoner survey.⁶⁶ During the on-site phase of the inspection, some specific issues were raised by staff and prisoners which may explain this significant deterioration in satisfaction with access to these services. It is not appropriate to provide details about these issues here. Rather, this Office is working at resolving these issues directly with the Health Services Directorate.

Clinical Screening Tools and Processes

- 6.18 New prisoners are seen by a nurse as soon as possible after admission and full assessments are conducted within 48 hours. A routine medical appointment is made with the GP within 28 days. It was pleasing to note that the e-consult system for out of hours GP input is well and appropriately used in the event of new receivals and acute presentations. Equally, GP responses were noted to be speedy, clear, constructive and supportive.
- 6.19 The initial nursing assessment tool facilitates routine screening for chronic disease conditions, such as diabetes, asthma, kidney and cardiovascular disease. Routine screening of mental health conditions, blood-borne viral disease (mainly Hepatitis C), and drug and alcohol addiction is also conducted. However, screening for other conditions, which bring potential communication, behaviour and coping problems (such as acquired brain injury, intellectual disability, or disorders on the autistic spectrum), does not form part of the routine screening process and does not occur. This deficit has been identified by this Office in other fourth round inspections.⁶⁷ Detection of these conditions depends upon informal

66 In 2008, 67 per cent of respondents said they were happy with their access to the general health service; in 2011 this percentage had reduced to 40 per cent. In 2008, 57 per cent of respondents said they were happy with their access to medical specialists; in 2011 this percentage had reduced to 28 per cent. In 2008, 43 per cent of respondents said they were happy with their access to dental care; in 2011 this percentage had reduced to 24 per cent. In 2008, 66 per cent of respondents said they were happy with their access to psychiatric care; in 2011 this percentage had reduced to 14 per cent.

67 See, eg, OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010); OICS, *Report of an Announced Inspection of Roeboorne Regional Prison*, Report No.70 (April 2011); OICS, *Report of an Announced Inspection of Eastern Goldfields Regional Prison*, Report No. 72 (June 2011); and OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011).

identification by the assessing doctor or nurse. It is likely that many go undetected and, as a result, prisoners may not necessarily be supported in their relative dysfunction and associated behavioural issues may be misunderstood. This Office has also found that the standardised assessment does not take into account different health issues affecting different cultural groups.

Recommendation 16

Review and revise assessment and care planning tools to ensure that they are culturally appropriate and facilitate more comprehensive identification of and support for health issues.

Medication Management

- 6.20 A centralised pharmacy based at Hakea Prison operates five days a week, and supplies all the public prisons in Western Australia. All prison health centres are required to ensure their patients' prescriptions are received at the pharmacy by a particular time and day each week. Bunbury nursing staff explained that, whilst the prescription ordering system is somewhat labour-intensive, if the prescriptions are received at the pharmacy by the designated deadline, the medications will generally be supplied to the prison on time and as per order.
- 6.21 However, throughout the inspection, many patients reported to the team that they had experienced considerable delays and distress waiting for their medications, which included anti-depressants, antibiotics and pain relief, particularly following admission or following a change in a doctor's order. Exploring this further with staff revealed that delays occurred when medications were ordered or doses were adjusted in between set ordering/delivery days.⁶⁸
- 6.22 The centralised pharmacy is set up with little in-built flexibility and is limited to supplying multi-dose blister-packed medications. This system cannot accommodate changes of dose quickly. In summary, the centralised pharmacy service to prisons is inefficient, lacks flexibility and patient focus, and enhances risk. It does not meet standards of equivalence with the broader community. These same points have been made in the most recent report of an inspection conducted at Bandyup Women's Prison.⁶⁹ To date, they remain points of difference between this Office and the Department of Corrective Services.

Recommendation 17

Review and revise pharmacy services and medication administration processes to better provide for prisoners' evidenced needs. Outcomes should include 24-hour pharmacy coverage; flexibility in prescribing, dispensing and administration processes; and compliance with prescribing guidelines.

68 A review of TOMS prisoner grievance data recorded in the six months preceding the inspection (1/10/10–31/03/11) indicated that of 17 grievances lodged at Bunbury, five (almost 30%) related to complaints about medication.

69 See OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011).

Drugs – Reducing Demand, Supply and Harm

- 6.23 The 2008 inspection of Bunbury found that the prison had not updated its drug strategy since 2005. This formed the basis of recommendation 5 in the report of that inspection.⁷⁰ Subsequently, the prison developed a drug strategy in 2008.⁷¹ The strategy focuses primarily on supply reduction rather than on harm minimisation.⁷² That said, this focus is entirely consistent with the Department’s *Drug and Alcohol Agency Action Plan 2010–2014*.
- 6.24 Treatment provisions managed through the health centre are primarily aimed at reducing demand and minimising harm. These include a detoxification program; an opiate replacement and maintenance program; an offender treatment program; internal and external support and counselling; and the mandatory HIP-HOP program.
- 6.25 Despite such provision, intravenous drug use (IVDU) and the spread of blood-borne viruses (BBV) within the prison present a significant cause for concern. Since August 2010, eight cases of prison-acquired Hepatitis C have been identified at Bunbury. That is, prisoners who were free of Hepatitis C earlier in their current sentence have since acquired the condition. This is not to imply necessarily that the condition was acquired at Bunbury Regional Prison; it could have been acquired during time spent at another prison. However, nursing staff at the time of the inspection were confident, and had compelling evidence to indicate, that at least one case had been acquired at Bunbury. They were also confident that these cases of prison-acquired Hepatitis C provide a strong indication that prisoners are sharing needles. There was a sense that this practice is endemic in the Western Australian prison system.
- 6.26 It must be emphasised here that within the constraints of Department-authorized policy and practice, security and health care staff at Bunbury are doing what they can to control the spread of BBV. They are, however, constrained by the range and adequacy of harm minimisation strategies at their disposal.
- 6.27 For many years those in the broader community, have been able to access sterile needles and syringes as one of a range of preventive and public health strategies used to reduce the transmission of BBVs. Research has shown that needle and syringe programs have been successful both in terms of financial savings and benefits to health. The Australian National Council On Drugs – the principal advisory body to Government on drug policy – has made recommendations that a prison needle exchange program (PNEP) be trialled.⁷³ However, this recommendation has yet to be implemented in any jurisdiction in Australia.⁷⁴

70 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 35.

71 This strategy needs updating to reflect changed practices with regard to the Passive Alert Drug Detection (PADD) dog and handler provision available at the prison. In addition, the Moving on From Dependency treatment program to which the strategy refers has since been superseded by the Pathways program.

72 Indeed, in the Department’s response to Recommendation 5 (OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No.59 (February 2009) 35) it explicitly states: ‘The focus of the prison drug strategy has as its first priority to stop illicit drugs and contraband entering the prison environment.’

73 *Hepatitis C Prevention, Treatment and Care: Guidelines for Australian Custodial Settings: Evidence Base for the Guidelines* <http://www.health.gov.au/internet/publications/publishing.nsf/content/phd-hepc-guidelines-custodial-evidence-1-ch3>.

74 ABC News recently reported (29 July 2011) that the ACT government is considering the introduction of a PNEP at the Alexander Maconochie Centre. The ACT government is considering a report by the Public Health Association which recommends changes to ACT law in order to be able to establish the program. <http://www.abc.net.au/news/2011-07-29/jail-needle-exchange-support/2815572>.

- 6.28 Prisoners who are sharing needles to inject intravenous drugs whilst in prison are at risk of contracting BBVs such as HIV and Hepatitis C. These prisoners will eventually be released into the community. Failing to implement harm minimisation strategies such as a PNEP therefore is a risk to community safety. This is a controversial issue that is not specific to Bunbury Regional Prison. The issue needs to be more thoroughly negotiated at both state and national level.

Support For Sad, Anxious and Susceptible Prisoners

- 6.29 There are two systems within which at-risk and/or vulnerable prisoners are managed; these are the At Risk Management System (ARMS) and the Support and Monitoring System (SAMS). ARMS is a multi-disciplinary case management system for the identification, monitoring and management of prisoners identified as being at risk to self. SAMS is a similar case management system for the identification and management of prisoners who are not an acute risk to self but who require additional support, intervention and monitoring.⁷⁵ Bunbury has traditionally had very low numbers of prisoners on ARMS and low rates of self harm. As at 25 July 2011, there were five prisoners on ARMS at Bunbury.⁷⁶
- 6.30 The multi-disciplinary case management of those prisoners identified as either on ARMS or SAMS is conducted by the Prisoner Risk Assessment Group (PRAG). The PRAG at Bunbury is chaired by the Assistant Superintendent Prisoner Management (ASPM) and comprises health services clinical staff, counselling and chaplaincy staff, the Prison Support Officer, and unit senior officers. This is an integrated, team-based approach to the management of at-risk prisoners. The PRAG team meets at least three times a week, with a joint PRAG/SAMS meeting once a week. Proceedings are now recorded contemporaneously and electronically, which assists transparent decision-making.
- 6.31 A Prison Counselling Service (PCS) is available on site to assist prisoners with ongoing psychological distress on a one-to-one basis. PCS staff operate on dual job description forms (JDFs) which include program facilitation responsibilities. At any one time at least 1.5 FTE of the programs/PCS team is allocated to provision of psychology and counselling services.
- 6.32 The inspection found that, not unlike other prisons, the core business of the PCS is crisis management. The priorities for PCS staff are to undertake risk assessments on all new referrals, as well as risk assessments on all ARMS prisoners and to attend PRAG meetings. Longer-term therapeutic work with prisoners is increasingly relegated and diluted. The inspection found that ongoing counselling is provided to between 20 and 30 prisoners as time permits. In spite of the increasing pressure, prisoners who had accessed prison counselling at Bunbury were extremely positive about the service they had received.

75 Information provided as part of the pre-inspection document request.

76 There was a suicide by hanging at Bunbury Regional Prison in 2009, following which all cells in C block underwent a systematic program of ligature removal. At the time of the 2011 inspection, this death was the subject of a coronial inquest along with three other deaths in custody that occurred at Hakea Prison. The findings of this inquiry have not yet been released.

ASSESSING AND ADDRESSING OFFENDING BEHAVIOUR

Assessments

- 6.33 Assessment and case management are interrelated functions within the prison system in Western Australia. Once they have entered the system, either as sentenced prisoners or unsentenced remandees, prisoners undergo some form of assessment process which identifies their immediate placement needs and their security classification. This initial assessment is called a Management and Placement (MAP) assessment and is the only assessment process that remandees or prisoners with a sentence of six months will be exposed to. The MAP is completed within 72 hours of the person being incarcerated and also contains information on medical history, protection issues, alerts, outstanding court matters, community contact issues and dependent children needs.
- 6.34 Those prisoners with a sentence of more than six months are provided with the opportunity for a more rigorous assessment of their situation to be made, resulting in an Individual Management Plan (IMP). All prisoners with an IMP should then be allocated a case manager whose role it is to support and inform the prisoner at each stage of the prisoner management and release process. The IMP is a more comprehensive document than the MAP and also contains information relating to the prisoner's intervention needs with regard to offender treatment programs. The newly sentenced prisoner must be assessed, and an IMP developed, within 28 days of having been sentenced.
- 6.35 At Bunbury, the assessments team consists of the Case Management Coordinator, three writers and a senior officer. There appeared to be a strong team spirit and commitment amongst the assessments team who were well supported by local management. The team spirit had a positive influence on other staff, and assessments officers provided mentoring for less-experienced officers. The Office was pleased to observe that prison management had not sought to use assessments team members for other duties when trying to overcome staffing shortfalls. The assessments staff operate an open-door policy in their office which is located in the middle of the main prison grounds, and as such they endeavour to make themselves as accessible as possible to prisoners. These are positive outcomes for prisoners.
- 6.36 The increased prisoner population at Bunbury has added pressure to the already stretched capacity of the assessments staff. This was affecting the timeliness of completed assessments and reviews. For the month of June 2011, 400 checklists were completed by both assessments and other prison staff. Nevertheless, there still remained at least eight outstanding IMP assessments and 21 outstanding IMP reviews.

Case Management

- 6.37 In June 2011, 265 prisoners at Bunbury had case managers allocated to them. The remaining prisoners without case managers were those who were not eligible for case management, namely remandees or those prisoners serving sentences of six months or less. The overall impression of case management at Bunbury was that it was ineffective, an impression strongly influenced by staff's own opinions as expressed to the inspection team. The Inspectorate has historically been critical of the Department's case management system. This has most recently been reflected in the report of the fourth announced inspection of Bandyup Women's Prison, which criticised the focus of the system that neglected the welfare needs of the women.⁷⁷
- 6.38 A departmental evaluation report, relevant to all Western Australian prisons, suggests that 'prison officer culture' is the most significant challenge to the implementation of case management'.⁷⁸ The same report also describes a lack of training in case management practices for the Case Management Coordinators which is particularly problematic given their responsibility to ensure the 'ongoing training of case officers'.⁷⁹ These issues were particularly relevant at Bunbury where the inspection team was told of widespread disengagement from the case management process, and a lack of sufficient officer training.

Who's Missing Out?

- 6.39 Whilst the MAP and IMP processes, when administered properly, are robust, these processes exclude those prisoners with sentences of six months. In April 2008, this Office made public its report into the review of assessment and classification within DCS.⁸⁰ This review recommended that all sentenced offenders, including those offenders with sentences of six months should have at least a needs-based assessment and should be case managed.⁸¹
- 6.40 In 2010, a new assessment tool was trialled at Bunbury which included those prisoners with sentences of six months: the Initial Reintegration Needs Assessment (IRiNA). Assessments staff at Bunbury said that this was a useful tool that allowed for early identification and addressing of reintegration needs and some form of case management for all offenders regardless of their length of sentence. Whilst it was acknowledged that the administration of this tool was more time consuming than existing assessments, the tool had broader scope for better links between case management and transitional management, and was therefore more consistent with a throughcare model. Unfortunately, the Department decided to discontinue this trial due to budgetary constraints.⁸²

77 OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (August 2011).

78 DCS, Strategic & Executive Services, Strategic Planning & Review Branch, *Assessment and Classification Project 2, Reintegration Needs Assessment: Final Evaluation Report* (June 2010) 11.

79 Ibid, 67.

80 OICS, *Report into the Review of Assessment and Classification within the Department of Corrective Services*, Report No. 51 (April 2008).

81 Ibid, Recommendations 17–19.

82 Information provided to the inspection team during the on-site inspection, and subsequently confirmed by DCS head office.

- 6.41 The Department's own analysis of the assessment tool suggests that the improvements it may provide would need to be part of a wider redevelopment of a 'case management-based approach to offender management'.⁸³ The report states that:

[M]ore meaning and purpose to the case management process is unlikely to be achieved through the development and implementation of any single assessment or case management instrument. Meaning and purpose will only be achieved once the Department decides upon and clearly articulates a philosophical underpinning for the deployment of a case management based approach to offender management.⁸⁴

- 6.42 The Department is still evaluating its approach to case management. In the meantime, the Inspectorate looks forward to any changes to the prisoner case management system that would align this system more closely to an integrated, holistic model of prisoner management.

Recommendation 18

The Department should prioritise the development of an integrated case management philosophy and operational model that includes all prisoners.

Offender Programs – Framework and Infrastructure

- 6.43 Offender treatment programs are thought to contribute to reducing the risk of recidivism. If programs are individualised and recognise diversity and special needs, they can encourage a relevant change process. The successful completion of programs also has the potential to enable a reduction in security rating, to secure a placement closer to home, and can also influence the outcome of a prisoner's parole application.
- 6.44 In 2008, the delivery of programs addressing offending behaviour was 'one of the most concerning areas' at Bunbury.⁸⁵ The programs team was remotely managed, with no advocate at management level within the prison. Consequently, the team felt marginalised both within the prison and the Department. Program availability was insufficient to meet the needs of the prisoner population, and was the subject of a recommendation by this Office.⁸⁶ In 2011 the programs team presented as a unified, committed group who emphasised the good working relationship they have with custodial staff, particularly senior officers with whom they work as part of the PRAG process. The inspection found a significant increase in program provision since 2008, as well as a restructured model of service delivery which provides for local management support to the team.

83 DCS, Strategic & Executive Services, Strategic Planning & Review Branch, *Assessment and Classification Project 2, Reintegration Needs Assessment: Final Evaluation Report* (June 2010) 70.

84 Ibid.

85 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 22.

86 Ibid, 23, Recommendation 6: 'That the Department ensure that the rehabilitative programs provided at Bunbury Regional Prison meet the demand and the needs of the prisoner population profile.'

- 6.45 In Bunbury, this restructured model will see the programs team (which provides in-prison offender assessment and treatment, as well as prison counselling services) move to a community-based programs 'hub', where they will provide both prison and community-based services. Whilst the restructure has been effected successfully at other prison/community sites, the plan for the Bunbury prison programs team to move to the local community justice premises has been indefinitely postponed, reportedly because of a funding shortfall.
- 6.46 In the meantime, the programs team servicing the main prison will continue to work out of the demountable accommodation located outside the prison fence. These facilities have only one access/egress point, little natural light and no soundproofing. Apart from the more substantial PRU facilities, which only cater for the PRU prisoners, there has been no increase in the facilities available for program delivery at Bunbury, despite the increasing prisoner population. The inspection team was informed that a new demountable allocated to programs had been ordered. The programs team, however, were concerned that this would not be operational in time for a scheduled intensive Sex Offender Treatment Program (SOTP) in January 2012, in which case this program will have to be cancelled.
- 6.47 Program scheduling and participation were subject to criticism from staff and prisoners alike. Programs and assessment staff do not have control over changes to the scheduling of prisoners for inclusion in certain programs. Neither are they provided with explanations as to the justification for such changes, which are made at Hakea and Offender Management and Professional Development (OMPD) division levels. This model can frustrate the underlying purpose of programs; for example, some prisoners who had been scheduled to participate in programs were not able to complete them by the time consideration of their parole application was due, while participation for other prisoners may be completed months or years in advance of this process.
- 6.48 The Inspectorate understands that program scheduling and participation are subject to complex decision-making processes that have to take into account competing priorities. These may include sentence length, program place availability at each location, security rating of offender and location, offender behaviour and motivation, offender movements, visit and court obligations, and so on. The Inspectorate also understands that because of this complex set of considerations, assessment and eligibility for program inclusion in a given year do not always coincide with participation in that year. This does not, however, diminish the level of frustration that individual prisoners experience in trying to positively progress through their sentence by participation in necessary programs.

Offender Programs – Content and Availability

- 6.49 Programs provided at Bunbury Regional Prison include high and medium intensity Sex Offender Treatment Programs; high and medium intensity Violent Offender Treatment Programs (VOTPs); the Pathways Intensive Substance Abuse Program; and the Think First Cognitive Skills Program. Between April and July 2011, 16 programs had been or were in the process of being completed, involving 176 participants. A further three programs were due to commence prior to the end of this financial year. No programs had been cancelled during 2010–2011.
- 6.50 In recognition of the changing prisoner profile at Bunbury, which now includes considerably more violent offenders, a welcome addition to the suite of available programs since the last inspection has been the medium intensity VOTP. This has been offered at Bunbury since 2009, reducing the need to transfer prisoners to other locations in the state to undertake the program. In addition, the Think First Cognitive Skills Program, which had not been available for two years at the time of the last inspection due to staffing shortages, has been reinstated.
- 6.51 During this inspection, a high intensity VOTP was being facilitated for the first time at Bunbury which was due to be completed in August 2011. However, it is unlikely that this program will be repeated at Bunbury because of issues relating to the mixing of serious violent offenders (for whom the program is designed) with the large population of sex offenders who also reside at Bunbury Regional Prison.
- 6.52 Although prisoners complained to the inspection team about the availability and timeliness of programs, they stated that when they were able to participate they found them to be of high quality and useful. This finding was reflected in the pre-inspection prisoner survey, which found that 63 per cent of respondents (as compared with 50% in 2008) thought the program would help them in the future. Programs were also rated third of the most positive things which work best in the prison. Staff's estimation of the effectiveness of program services jumped from 32 per cent in the 2008 pre-inspection survey to 72 per cent in the 2011 pre-inspection survey.
- 6.53 The OMPD's Clinical Governance Unit's Research and Evaluation Team undertakes its own evaluations of the effectiveness of offender programs, focusing on three components: program integrity; short-term impact (as measured by changes in assessed recidivism risk); and long-term impact (as measured by impact upon recidivism rates). The Office keenly awaits, and would strongly encourage the publication of, the results of these evaluations.

Chapter 7

RE-INTEGRATION AND MAKING AMENDS

THE PRE-RELEASE UNIT

The Facility and Services

- 7.1 The Pre-release Unit (PRU) commenced operation in November 2008, shortly after the last inspection. This report therefore reflects the first inspection of the facility. The design capacity of the PRU when it first opened was 72 prisoners, accommodated in 12 houses, each comprising six single cells (or rooms). This design capacity was soon compromised, however, with the pressure of the increasing overcrowding across the system. As a consequence, within six months of opening, three rooms in each house in the PRU became double-bunked accommodation, thus increasing the capacity of the PRU to 108 prisoners.⁸⁷ This remains the current operational capacity of the PRU.
- 7.2 The PRU programs, education, training, medical, recreation and prison support services are provided by staff working in these areas in the main prison. Education, programs and medical services are delivered in satellite offices located in the PRU. The PRU also has its own visits centre, recreation equipment and canteen. The inspection findings relating to these aspects of the PRU's functioning have been detailed elsewhere, in relevant chapters of this report.⁸⁸



Nine prisoners share a house in the PRU, originally designed for six prisoners.

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- 87 Initially the double bunking arrangements comprised installing traditional bunk beds into each of the three rooms in each house.; however, at the time of the inspection this configuration was being replaced by two single beds in each of these rooms. This is a good initiative.
- 88 See chapter five for findings relating to visits, recreation and the canteen/supermarket in the PRU. See chapter six for findings relating to education and medical services at the PRU.



The PRU commenced operations in November 2008.

A Pre-Release Unit or a Minimum Security Unit?

- 7.3 The Inspectorate had some concerns about the PRU going into this inspection, primarily fuelled by the overcrowding in the unit. This office was concerned about how the overcrowding had affected the ethos of the unit which is to ‘mirror the expectations of the community life styles, values and standards’ and ‘provide the education, employment and life skill requirements for prisoners to successfully reintegrate into the general community on their release’.⁸⁹
- 7.4 Since its commencement, local management of the PRU has sought to develop the unit in line with its stated ethos. These efforts are reflected in positive views from residents, who generally gave strong praise for the pre-release support they were receiving. However, due to the pressure to accommodate as many minimum security prisoners as possible, the inspection found that many of the prisoners in the PRU were not in fact eligible for pre-release services. This gave rise to the question: is this unit really a pre-release unit or is it being misused as alternative accommodation for minimum security prisoners?
- 7.5 The PRU was intended to service minimum security prisoners in the last 12 months of their sentence. However, the Inspectorate’s examination of PRU prisoner records showed that between 50 and 60 per cent of the prisoners in the PRU were scheduled to spend more than 12 months there, 36 per cent were due to spend at least 18 months in this unit, and 19 per cent at least two years in this unit.⁹⁰ Thus, whilst many of the prisoners in the PRU were supposed to be there and were benefiting from the pre-release services on offer, there were also many prisoners who were there based solely on their minimum security classification, and not because they were ready to be reintegrated into their communities.

89 Bunbury Regional Prison Pre-release Unit, *Mission/Vision* (undated).

90 The inspection team examined TOMS data including IMPs for the 108 prisoners at the PRU at the time of the inspection.

- 7.6 The inspection found that the overcrowding was confusing the role of the PRU. Indeed, this confusion was evident in the diverse range of responses provided by officers with regard to the role and function of the PRU. All custodial officers at Bunbury Regional Prison work in the PRU at some stage because the PRU is part of the overall staff rostering system that covers the whole prison. The implications of this are explained further in the section below. Some officers supported the ethos of the PRU and their approach to the prisoners in this unit reflected this. Other officers, however, were minded to manage the prisoners in this unit with an approach more consistent with managing medium rather than minimum security pre-release prisoners. These officers were of the view that many PRU prisoners had not earned the right to be there and needed to be more closely managed particularly given that they would have to continue managing these prisoners for a lot longer than the stipulated 12-month pre-release period. No officers receive specific training to work in the PRU.
- 7.7 In view of the overcrowding and confused profile of the PRU, this Office struggles to comprehend the reasoning behind the decision to close the original minimum security section of Bunbury Regional Prison – unit five – after having re-opened it for a period of six months in 2010. There are currently at least 35 minimum security prisoners in the PRU who are outside the 12-month pre-release profile and a further 27 minimum security prisoners in the main prison. Unit five has capacity to accommodate 37 minimum security prisoners. Prior to the opening of the PRU this unit provided a perfectly fit-for-purpose accommodation option for the minimum security prisoners at Bunbury and in the Office’s view it should be reopened.

Recommendation 19
Re-open unit five.

Staffing

- 7.8 The PRU was designed as a stand-alone facility sharing some services and resources with the main prison. While the Superintendent of Bunbury Regional Prison is also Superintendent of the PRU, the facility is managed by a dedicated Assistant Superintendent, referred to as the PRU Manager. The custodial staff who work in the PRU do so on a roster system whereby they rotate between custodial officer duties in the main prison and in the PRU.
- 7.9 Whilst the inspection team was told of some advantages of this shared staffing arrangement between the PRU and the main prison, the inspection found more problems with this system than benefits. Most significant were the prisoner complaints about an overly punitive approach to prisoner management by many officers when rostered for custodial duties in the PRU. Prisoners in the PRU told the inspection team that the unit felt more like a medium security prison than a minimum security pre-release unit and that they thought that the officers found it difficult to adjust to the different prisoner management approaches required for the two facilities. This sentiment was echoed by some of the custodial officers interviewed during the inspection, many of whom felt unprepared for the different style of prisoner management required in the PRU. The inspection team noted that there was no specific

training provided for officers to work in the PRU. This means that officers are not being provided with the appropriate tools to effectively manage the different prisoner populations or to appreciate the different roles and operations of the two facilities.

Recommendation 20

Develop a specific roster for the PRU with dedicated PRU officers and provide appropriate training in the role and operations of a pre-release facility to all officers who will work in the PRU.

PRE-RELEASE AND TRANSITIONAL SERVICES

7.10 The previous inspection found that pre-release services were being held back by a lack of guiding direction and coordination. The 2008 inspection report noted with approval the very recent appointment of a Transitional Manager and Employment Coordinator, which it hoped would address these concerns.⁹¹ The Employment Coordinator and the Transitional Manager provide reintegration support for prisoners nearing release. The Employment Coordinator works with prisoners in the 12 months prior to their release and provides six months' post-release support. The Transitional Manager supports prisoners for six months prior to release. The current inspection found that coordination of pre-release and transitional services was much improved, although the services, like other areas of the prison, were suffering from the significant increase in the number of prisoners.

Transitional services

- 7.11 The transitional services provided at Bunbury assist prisoners to make the transition from prison to the PRU and finally back into society. These services focus on the practical arrangements that need to be made to provide the prisoner with the best possible chance for successfully reintegrating into the community.
- 7.12 The Transitional Manager coordinates these services at Bunbury and has been active at the prison since July 2008. The services include assistance with identity documentation, issue or renewal of licences, payment of fines and arrangement for post-release accommodation. The service provided by the Transitional Manager was found to be good, and one indication of this was that all prisoners leaving Bunbury Regional Prison do so with their fines fully paid. Before the Transitional Manager commenced at Bunbury 75 per cent of prisoners entered the community with outstanding fines. Similar successes have been made with regard to assistance with learner drivers' permits and offers of free driving lessons.

91 Neither had been in post for longer than a month at the time of the previous inspection.

Preparing Prisoners for Work

- 7.13 The Employment Coordinator manages the Prisoner Employment Program (PEP). PEP was introduced into prisons across Western Australia in the latter half of 2008 and was developed to provide ‘minimum security prisoners to have the opportunity to engage in meaningful and sustainable paid employment, work experience, vocational training and education in the community prior to their release’.⁹² Participation in the program allows prisoners to leave the prison to undertake these activities and also provides opportunities for prisoners to be paid for the work that they do under the auspices of this program.
- 7.14 At Bunbury, the inspection found that the program was well run by a committed and enthusiastic coordinator. The Employment Coordinator has implemented a range of good initiatives to complement the prisoner employment program. One of these is a cycling program in which bicycles are purchased for prisoners participating on PEP through funding received from an external agency. Bicycles assist prisoners without drivers licences to attend external work.
- 7.15 This Office was, however, disappointed with the number of prisoners participating in PEP with only five actively engaged in the program. Four of these were involved in training and only one was actually working in the community.
- 7.16 The lengthy and bureaucratic processes that head office utilises when approving external employment opportunities for prisoners contributes to the low numbers of prisoners on PEP. Indeed, this was cited at Bunbury as particularly problematic. The 12-week approval period eliminates many potential employers from the program as many are not prepared to wait that length of time to employ someone.⁹³

Other Pre-Release Services

- 7.17 The PRU is a busy place in terms of providing activities focused on preparing prisoners for release. These activities range from basic ‘life skills’ awareness sessions to more formal learning courses. The life skills activities have been described in chapter five of this report. These are important opportunities for prisoners to acquire basic living skills to aid in their successful reintegration into normal life. The life skills officer spends time in each house assisting prisoners in areas such as budgeting, menu planning, proper cleaning practices, and so on. The living environment of the PRU supports the development of these essential life skills.
- 7.18 External reintegration leave is another pre-release service available for prisoners nearing their release date. To be eligible, prisoners must be minimum security rated and have an effective sentence of at least 12 months.⁹⁴ Other eligibility factors include prison conduct, program completion, sponsor suitability, and a risk assessment of the nature of the prisoner’s offence and previous record of compliance. The leave must purposefully progress the prisoner’s eventual reintegration into society. At the time of the inspection, five prisoners

92 DCS, *Prisoner Employment Program... Building a Future: The First Six Months September 2008 to March 2009* (2009).

93 Subsequent to the inspection, this Office received a briefing from departmental managers claiming that the 12-week approval period has been reduced to 65 days on average.

94 DCS, *Policy Directive 66*, section 2.

were engaged in this pre-release option which allowed these prisoners to spend some time away from the prison back at home with their sponsors (usually family members).⁹⁵

- 7.19 The education centre coordinates a variety of short courses on offer to prisoners in the PRU. These are specifically aimed at improving prisoners' employability on release and include traffic management, working at heights, and, for those with section 95 approval, forklift, excavator, bobcat and front-end loader operations.⁹⁶
- 7.20 Despite the confusion about the role of the PRU discussed earlier, the pre-release services on offer through this unit are diverse and directed at successfully reintegrating prisoners into their communities. Prisoners due for release from the PRU should not, unless by choice, leave ill-equipped for life on the outside.

INDUSTRIES, EMPLOYMENT AND TRAINING

- 7.21 In 2008, the Inspectorate observed that, 'there was a lack of strategic direction and leadership and a general need to focus more attention and resources on industries'.⁹⁷ This gave rise to a recommendation that the prison develop a business plan for industries at Bunbury Regional Prison and ensure the sufficient allocation of resources to industries.⁹⁸
- 7.22 An industries business plan for Bunbury has subsequently been developed. A key objective within this plan is to 'increase the opportunity for prisoners to undertake productive work associated with internal supply that will reduce the prison's operating costs and contribute to self-sufficiency'. In harmony with the preparatory ethos of the PRU, the plan's objectives are also to 'prepare prisoners for employment after release so they can return as productive members of the community and reduce their risk of reoffending'.⁹⁹ The renewed focus on prison industries has also largely been driven by the new Business Manager who has a real commitment to industries at the prison and to the Vocational Support Officers (VSOs) who manage these on the ground.
- 7.23 The inspection team was informed that there is full employment at Bunbury Regional Prison. In the light of the overcrowding at the prison, the employment levels at Bunbury are remarkable. Indeed, the Department's own internal review processes have commended the prison's capacity for constructive activity.¹⁰⁰ Also the offender employment report for July 2011 lists Bunbury as providing employment for prisoners for up to five hours per day.¹⁰¹ This is reasonable given the increased prisoner numbers at the prison.

95 Applicants must meet the requirements of Policy Directive 66. Data extracted from TOMS at the time of writing indicated that a further five applications were pending and four applications had been rejected.

96 Section 95 is the section within the *Prisons Act 1981* under which prisoners may be approved to attend work or programs outside the prison.

97 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) 27.

98 Ibid, Recommendation 7.

99 DCS, *BRP, Industries Action Plan 2010–2011*.

100 DCS, *Operational Compliance Follow-up Review, Bunbury Regional Prison*, Report ACSR (May 2010).

101 DCS, *Offender Employment Report* (July 2011) 10.

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- 7.24 Bunbury provides a broad range of industrial activity including the metal workshop, carpentry workshop, skills workshop, vegetable preparation, laundry, kitchen/bakery and market garden. Shortly before the inspection the prison's cabinet shop won a contract to produce caravan cabinets.¹⁰² Bunbury also won the contract to manufacture the bunk beds for the new accommodation units at Hakea, Albany and Casuarina. This enabled the workshops involved to bid for more advanced equipment that was required for the manufacture of the beds but which will be useful following completion of this contract. Similarly, industries at Bunbury have been tasked with manufacturing cyclone shutters to be installed at Roebourne Regional Prison. These activities are significant cost-saving opportunities for the Department.
- 7.25 The prison's market gardens continue to supply most of the Western Australian prison estate's vegetable needs.¹⁰³ In addition, Bunbury provides vegetable preparation services for approximately a dozen local businesses.¹⁰⁴ At the time of the inspection the market garden was being upgraded and the four new tunnel houses were expected to significantly increase productivity.
- 7.26 As well as internal employment options within the prison, there are many prisoners approved for external work pursuant to section 95 of the *Prisons Act 1981*. Bunbury Regional Prison has traditionally had a strong section 95 component and this inspection found that the section 95 program at the prison had expanded with the prisoner population.
- 7.27 The section 95 program works out of the PRU and consists of two parties. The number of prisoners engaged in section 95 work had nearly doubled since the last inspection.¹⁰⁵ The prison has well-established relationships with the local council and the Department of Environment and Conservation and the section 95 teams do substantial work for these bodies. For example, a group of section 95 prisoners assisted with the clean up following the bushfires in the area earlier this year. The current annual value of section 95 work in the community is approximately \$240,000.¹⁰⁶ This is indeed making amends.
- 7.28 In the context of the extreme budgetary concerns facing the Department, prison industries have come under pressure to increase their focus on profitability and to reduce expenditure by bringing work previously done by external contractors in-house. With regard to the latter, the 2011–2012 budget for building maintenance contracts is only \$2,000. The amount requested initially was \$144,779. This has necessitated a process of reviewing the work that occurs within the prison to try to find alternative methods for ensuring that the site is properly maintained. The budget for industry supplies was also a lot less (\$200,200) than was requested in the prison's budget submission.

102 DCS, *BRP Senior Management Group Meeting notes* (19 July 2011) 4.

103 DCS, *Operational Compliance Follow-Up Review, Bunbury Regional Prison*, Report ACSR (May 2010) 4.

104 Information provided by DCS as part of the Office's pre-inspection document request.

105 In its last report the Inspectorate found that 2 per cent of prisoners were involved in section 95 work; during this inspection figures provided by the Department indicated that numbers had increased to 3.7 per cent of all prisoners. Moreover, the prison's industries plan aims for a third section 95 working party.

106 DCS, *BRP Senior Management Group Meeting notes* (19 July 2011) 37. Annual figure based on figures provided for the month of June 2011.

- 7.29 Prison administration had some concerns about the demands being placed on them by head office to increase industry profits. Whilst profitable industries is an important aspect of a self-sustaining environment, the drive for profit should not interfere with the rehabilitative benefits that working in prison can have for prisoners. Part of this rehabilitation is improving one’s skills to increase the chances of obtaining reasonable employment once released. Another aspect of the rehabilitative outcomes of working in prison is the ability to earn a gratuity appropriate to the level of skill required for the job. There was some apprehension that these were being undermined due to the pressure for profit.
- 7.30 The push for profit impacts on the training that can be provided to prisoners. VSOs under instructions to prioritise productivity do not have the time to spend on training prisoners properly. And those prisoners who do have the skills and training to do the work productively may not be adequately rewarded due to the restrictions placed by head office on the gratuity levels that can be paid to prisoners.
- 7.31 The Department’s Policy Directive 25 places the following caps on the number of prisoners who can receive each gratuity level at a prison:¹⁰⁷

| Gratuity Level ¹⁰⁸ | Per cent (prisoner population) |
|-------------------------------|--------------------------------|
| 5 | 10% |
| 4 | 15% |
| 3 | 45% |
| 2 | 20% |
| 1 | 10% |

- 7.32 As can be seen from the above table, only 10 per cent of the prisoners at Bunbury Regional Prison can receive the highest gratuity level (approximately 30 prisoners). Not all of the prisoners on level one gratuity are engaged in industries. In any industry, it is reasonable to expect that people are paid according to their skills. Indeed, this is reflected in Policy Directive 25 which states that ‘prisoners shall receive gratuities for participation in constructive activity at a rate commensurate with the skills and diligence required to perform the activity’.¹⁰⁹ This seems to conflict with the gratuity level cap the Department insists on at each prison. On the one hand, the Department expects industries to increase productivity and make a profit, but on the other hand there is reluctance to adequately remunerate the prisoners who have the skills to do this. The VSOs at Bunbury expressed frustrated about this situation.

Recommendation 21

Remove the cap on gratuity levels and allow each prison administration team the flexibility to manage gratuity levels locally, in accordance with the prison’s own industry plan.

107 DCS, Policy Directive 25, *Prisoner Constructive Activity* (April 2007) 1.2.

108 Level five represents the lowest gratuity level while one is the highest gratuity level.

109 DCS, Policy Directive 25, *Prisoner Constructive Activity* (April 2007) 3.1.

Chapter 8

A WELL-FUNCTIONING PRISON AT RISK?

OVERALL INSPECTION FINDINGS AND CONCLUSIONS

- 8.1 This report documents the inspection findings of both the fourth announced inspection of Bunbury Regional Prison and the first inspection of the state's newest minimum security facility co-located with Bunbury Regional Prison, the Pre-release Unit (PRU).
- 8.2 Despite some unsettled periods over the past six years, the prison has remained a stable environment. In his overview to the 2006 inspection report, the former Inspector commented, in relation to the prison's management of the changing prisoner population profile at the prison, that 'the prison has managed to maintain its safe environment, an achievement for which it should be commended'.¹¹⁰ Similarly, the overall finding about the state of the prison at the subsequent inspection in 2008 was that the facility was performing well.¹¹¹
- 8.3 In 2011, Bunbury Regional Prison continues to perform well. However, this inspection also found that this performance has been compromised by the constant pressure on the establishment to accept more and more prisoners. This is eroding the management strategies available to prison staff and administration which have traditionally been used to maintain the settled nature of the prison that this Office had previously praised.
- 8.4 This finding has been explored throughout this report, beginning with chapter one which explains the pressure that Bunbury prison administrators are under to constantly increase prisoner numbers to assist head office in managing the state's prison overcrowding crisis. This chapter also explains the difference in thinking between local and head office management with regard to how much space there actually is within the facility to accommodate prisoners. Head office says there is space for 340 prisoners, while local management maintain that the operational capacity of the prison is in fact 328. This is an untenable tension which is increasing the risks for prison managers to safely manage the prison.
- 8.5 Chapter four provides an insight into the effects of overcrowding on prisoner management. It has compromised the hierarchical management system which has traditionally been used by staff to effectively manage the prisoners and keep the prison a stable, safe environment. This chapter also describes the impact on the prisoners, some of whom have had their earned supervision status unfortunately compromised.
- 8.6 Findings relating to the prison's leadership team, financial status and staffing matters are commented on in chapter two. The inspection found a strong prison management team which should be further strengthened by resolving all the acting arrangements within the senior levels of the team. The inspection also found strong internal processes within the senior management team with robust reporting measures required of the various managers that make up this group. The Department's \$29.3 million overspend that was identified in the latter part of the 2010–2011 financial year has impacted on Bunbury, and management has implemented an overtime reduction strategy as a cost-saving measure. The inspection team discovered some unusual usage of personal leave entitlements by some officers, which the management team has done well to resolve. Further, the number of prison staff with workers' compensation claims at Bunbury is unacceptably high. This is possibly a system-wide issue that the Department must address.

110 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 33 (June 2006) 3.

111 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 59 (February 2009) v.

- 8.7 The findings of this inspection with regard to dynamic security were more negative than previously when the relationship between staff and prisoners was traditionally good. These negative findings were reflected in both the staff and prisoner pre-inspection surveys. Chapter three notes the increase in the prisoner population, the increase in the number of violent offenders and changes to the long-term, stable nature of the staffing group as being contributing factors.
- 8.8 Prisoners at Bunbury do have opportunities to participate in activities that can help make their prison experience somewhat more tolerable. These are explained in chapter five. Prisoners in the PRU in particular have good access to shop items and this is facilitated by the dedicated canteen and life skills officers in this unit. The prisoners in the PRU who have had to share a room with another prisoner have recently benefited from a modification of the double bunking arrangement which now consists of two single beds rather than the standard double bunk arrangement. This has been an excellent initiative on the part of the PRU manager.
- 8.9 The PRU has not lived up to its operating philosophy as a genuine pre-release unit. This unit has been overcrowded almost since it commenced operations three years ago. The mix of prisoners currently residing in the PRU is not conducive to a proper pre-release environment and regime. Nevertheless, the inspection found that the provision of pre-release services was adequate, prisoners were satisfied, and staff responsible for the management of pre-release services were committed and enthusiastic. These findings are contained in chapter seven.
- 8.10 The Inspectorate remains concerned about the strategy of accommodating minimum security prisoners at Bunbury. Unit five, the old minimum security unit, was closed in anticipation of the new facility, the PRU, replacing it. In May 2010 a departmental decision saw the re-opening of this unit, but only six months later this unit was closed again. This Office has never been given clear reasons for these decisions and continues to question why the PRU is overcrowded when there is a functional, fit-for-purpose facility which could accommodate the overflow minimum security prisoners currently double bunked in the PRU.
- 8.11 Health services at the prison were found to be good, and the recommendations made relating to these in this report should be regarded as practice improvement initiatives and not a reflection of a poor service. The prison's strategy to reduce the demand and supply of drugs was found to be problematic as demonstrated by the fact that there were prisoners at Bunbury who had acquired the Hepatitis C blood-borne virus whilst in prison. Medical staff at Bunbury were of the opinion that this was a strong indication of needle-sharing among prisoners at Bunbury. Whilst Bunbury staff were doing what they could in line with the Department's overall drug reduction policy, chapter six of this report suggests that there are alternative, more contemporary methods for managing supply and demand issues.
- 8.12 Chapter six also highlights the significant improvement in the provision of offender treatment programs at Bunbury since the last inspection in 2008. There is also an integrated approach to managing vulnerable and at-risk prisoners at Bunbury which is good practice.

A WELL-FUNCTIONING PRISON AT RISK?

- 8.13 The prison does continue to perform well, particularly given the high prisoner population. However, the continued pressure to maintain these high numbers is jeopardising this good performance. The capacity for the prison administration to manage its own prison has been eroded as a result of this constant pressure. This is impacting on staff and prisoners, and is unsettling the prison environment. As long as this situation continues, Bunbury Regional Prison is at risk of becoming a warehouse for prisoners rather than a facility that provides meaningful opportunities for prisoners to repair their lives and re-enter their communities.

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|--|
| <p>1. Staffing Issues The Department ensures that Bunbury Regional Prison has a permanent management team holding substantive positions.</p> | <p>Supported in principle As you are aware, the substantive Superintendent is currently taking leave prior to retirement and once the position becomes vacant it will be filled in accordance with public sector management guidelines. Unfortunately, in these situations, there is a flow-on effect.</p> |
| <p>2. Staffing Issues That the Department establishes the causes underlying the high number of workers' compensation claims at Bunbury Regional Prison and addresses these.</p> | <p>Supported The Department has met with Worksafe and is developing a framework to support managers, throughout the state, in meeting their responsibilities relating to workers' compensation. This will enhance the Department's capacity to prevent and address workers' compensation claims including the identification of trends, causal factors and remedial action.</p> |
| <p>3. Custody and Security Upgrade the sally port, gatehouse and reception area at Bunbury Regional Prison to allow for more efficient and secure entry processes for staff, prisoners and visitors.</p> | <p>Supported in principle A business case has been documented for funding through the Department's Infrastructure Upgrade program. Funding was not approved in the 2011/2012 financial year and the business case will be re-submitted for consideration in the 2012/2013 divisional priority setting program for inclusion in the Infrastructure Upgrade program. This will not be a priority in the near future. However, improvements have been scheduled at a local level to make the area more functional.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|--|
| <p>4. Custody and Security Increase the number and diversity of emergency management exercises held each year at Bunbury Regional Prison to better prepare officers to deal with emergency situations.</p> | <p>Supported in part Bunbury Regional Prison complies with Policy Directive 72 – in line with Emergency Management Exercises and facilitates a minimum of six emergency management exercises which run each year; being a minimum of five desktop exercises and one live exercise over a twelve month period. The Security team maintain a training schedule, which is in place and utilised appropriately. However, it is acknowledged that improvements can invariably be made. Bunbury Regional Prison will review the Emergency Management Exercises and adopt local variation in order to increase the number and diversity of emergency management exercises held each year at Bunbury Regional Prison to ensure better practices in preparing officers to deal with emergency situations.</p> |
| <p>5. Custody and Security The Department improve process and information sharing between Justice Intelligence Services and prison sites.</p> | <p>Supported Continuous improvement is a key principle for the Department and the Superintendent, in consultation with relevant stakeholders, will discuss and identify areas for improvement.</p> |
| <p>6. Custody and Security The Bunbury Regional Prison leadership team reinvigorate and reinforce an ethos of prisoner management that emphasises high levels of engagement with prisoners to enhance the safety of prisoners and staff and to restore the excellent levels of interaction found in past inspections of the prison.</p> | <p>Supported The value and importance of dynamic security is acknowledged and reinvigoration strategies will be developed with Bunbury staff taking into account the significant shift in staffing and administration profile.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|---|
| <p>7. Care and Wellbeing Bunbury Regional Prison management evaluate the functioning of the 'I want parade' to ensure it is still meeting the needs of prisoners and staff to address prisoner needs, and modify practices based on the outcome of this evaluation.</p> | <p>Supported – existing Department initiative As pointed out in the report there is no evidence to support the perception that the 'I want parade' is no longer meeting the needs of prisoners. Since the inspection, communication with prisoners has dispelled this perception; however, the prison has reinforced the importance of this initiative with staff to ensure the continuation of this invaluable prisoner management tool.</p> |
| <p>8. Human Rights The Department meet its obligation to provide legal resources to prisoners throughout the state, including those accommodated at Bunbury Regional Prison, by establishing system-wide access to all relevant materials and by maintaining and updating these materials.</p> | <p>Supported – existing Department initiative The Department is currently examining ways to improve the existing capacity and accessibility for all prisoners statewide.</p> |
| <p>9. Care and Wellbeing Evaluate the new reception intake assessment process to ensure it is appropriately useful and valuable to prisoners and staff.</p> | <p>Supported The Department implemented the new Reception Intake Assessment on 29 March 2011 and intends to undertake an evaluation of the first 12 months of its use. As the Inspector pointed out in his report, the safety of prisoners should not be jeopardised and this was a priority with the introduction of this new system.</p> |
| <p>10. Care and Wellbeing Maintain prisoner numbers at Bunbury Regional Prison at a level which allows for a proper hierarchical model of prisoner management to be reinstated.</p> | <p>Supported in principle The prisoner population at Bunbury Regional Prison has remained static since the time of the inspection, with approximately 330 prisoners. A hierarchy system is operational at Bunbury Regional Prison. The placement and management of prisoners throughout the correctional system requires continual assessment based on offender numbers, profiles, risk and infrastructure availability.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|--|
| <p>11. Care and Wellbeing Reinvigorate the peer support system at Bunbury Regional Prison. In addition to the peer support team, consider introducing a prisoner forum (akin to those operating at Acacia and Albany Prisons) as an alternative mechanism for prisoners to raise concerns with management.</p> | <p>Supported Bunbury Regional Prison's Superintendent in conjunction with the ASPM, PSO and PRU Manager will review current practices and investigate strategies/process to link a prisoner forum with current peer support meetings as a mechanism for prisoners to raise concerns with management.</p> |
| <p>12. Care and Wellbeing Increase recreation opportunities to reflect the needs of the population, including more passive options for older prisoners and community integrated sports for minimum security prisoners who do not have access to an oval.</p> | <p>Supported in part As highlighted in the report, Bunbury management are commended for the overall management of recreation and recreation was listed by prisoners as one of the most positive aspects to life as a prisoner in Bunbury Regional Prison. In this context, the Department is of the view that recreational activities are currently well managed but will take note of the recommendation and ensure periodic assessment of activities to maintain the current positive rating.</p> |
| <p>13. Care and Wellbeing Replicating the system in the PRU, provide a life skills officer to support, educate and mentor prisoners in the self-care unit in the main prison (unit three).</p> | <p>Supported in part The good practice in place in the PRU is acknowledged, including advice about correct cleaning methods, ideas and guidance relating to food preparation and how to increase the variety of the meals that are prepared. It is also acknowledged that similar practices would benefit prisoners within the self-care unit of the main prison. However, as is well known, it would be difficult to entirely replicate due to different infrastructure and a different prisoner profile. Bunbury Regional Prison will look at ways of enhancing the support, education and mentoring of prisoners in the self-care unit.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|--|
| <p>14. Health Recruit an Aboriginal Health Worker for Bunbury Regional Prison.</p> | <p>Supported in principle In reality, there is a shortage of Aboriginal Health Workers (AHW) across the public and private health sector. In analysing the reasons for this, it was found that no AHW were available due to the persons in training being sponsored for the qualification by a community, which they would return to work in once qualified. A MOU has been set up with South West Aboriginal Medical Service, who since early November 2011 have provided a re-entry worker (non qualified AHW), who visits the prison two days per week. This worker is tasked to build rapport with prisoners to enable follow up in the community and link them with community services, once the prisoner is discharged. The worker is also able to offer counselling on social/family issues and drug and alcohol issues.</p> |
| <p>15. Health Ensure that prisoners employed to clean health centres at Bunbury Regional Prison and other prisons are suitably trained to carry out such specialist cleaning services.</p> | <p>Supported in principle This work is carried out by prisoners who have completed basic training in cleaning as part of an asset management certificate. Bunbury Regional Prison's Superintendent will work with the Health Directorate in ensuring that prisoners are suitably trained to clean the Health Centre.</p> |

| Recommendation | Acceptance Level/Response |
|--|--|
| <p>16. Health Review and revise assessment and care planning tools to ensure that they are culturally appropriate and facilitate more comprehensive identification of and support for health issues.</p> | <p>Supported in part The initial nursing assessment tool currently aims to identify an individual's health needs (physical and/or psychiatric) in a culturally appropriate manner. The assessment tool is based on the Royal Association of General Practitioners Standard of Care: Health Services in Detention Centres and Prisons. The Australian Health Council during the 2010 accreditation of DCS Health noted, "There was evidence available to the survey team that safe health care is provided through a range of processes to meet the needs of the patients treated within the service. Patients, whilst in a custodial environment, are assessed and received in a manner that demonstrated the use of a health care model that aims to meet the individual needs of all patients". In addition, cultural safety training which aims to improve the quality of service delivered by DCS health staff to Aboriginal people is available for all Health Services staff across all sites with regional staff having completed this training. A training schedule for metropolitan staff is currently being developed. The Aboriginal Health Council of WA in conjunction with the Department's Academy delivers this training.</p> |
| <p>17. Health Review and revise pharmacy services and medication administration processes to better provide for prisoners' evidenced needs. Outcomes should include 24-hour pharmacy coverage; flexibility in prescribing, dispensing and administration processes; and compliance with prescribing guidelines.</p> | <p>Not Supported There is no demonstrated need for 24-hour pharmacy coverage at Bunbury Regional Prison. Pharmacy supplies urgent supply packs to the health centre each containing a quantity of a single medication sufficient to commence or continue a patient on therapy until pharmacy is able to supply a blister pack.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2011 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|---|
| <p>18. Rehabilitation The Department should prioritise the development of an integrated case management philosophy and operational model that includes all prisoners.</p> | <p>Supported – existing Department initiative The Department's Future Directions includes the Key Direction: Integrated Offender Management that is being systematically implemented through the Department's three-year strategic plan cycles. Key Result Area 1,2,3 and 4, in particular, in the Department's 2011–2014 Strategic Plan, contribute to addressing this requirement.</p> |
| <p>19. Administration and Accountability Re-open unit five.</p> | <p>Not supported The re-opening of Unit 5 is not currently required.</p> |
| <p>20. Staffing Issues Develop a specific roster for the PRU with dedicated PRU officers and provide appropriate training in the role and operations of a pre-release facility to all officers who will work in the PRU.</p> | <p>Supported in part Rostering practices should take into account the needs of the entire prison in order to maximise operational effectiveness. Establishing a specific roster for staff to work solely at the PRU limits workforce flexibility. The issue of appropriate training is relevant and will be actioned.</p> |
| <p>21. Reparation Remove the cap on gratuity levels and allow each prison administration team the flexibility to manage gratuity levels locally, in accordance with the prison's own industry plan.</p> | <p>Noted The Department will review the broader application of Policy Directive 25 before making a commitment.</p> |

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2008 RECOMMENDATIONS

| Recommendation No. | Recommendations By Type of Recommendation/Duration Report No. 59, <i>Report of an Announced Inspection of Bunbury Regional Prison.</i> | Assessment of the Department's Implementations | | | | |
|--------------------|--|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 1. | Staffing Issues That the prison assess the training needs of the officer group and develop and implement a training strategy. | | | • | | |
| 2. | Human Rights That the prison abandon the use of trundle beds in shared cells. | | | | • | |
| 3. | Care and Wellbeing That the prison develop and implement a cultural learning program for Nyoongar prisoners. | | | • | | |
| 4.1 | Care and Wellbeing¹¹² That the Department re-establish the regular attendance of the Aboriginal Visitors Scheme at Bunbury Regional Prison. | | | | • | |
| 4.2 | Care and Wellbeing That the Department ensure that the Aboriginal Visitors Scheme is achieving its outcomes throughout the prison system. | | • | | | |
| 5. | Health That the prison develops a new Drug Strategy. | | | • | | |
| 6. | Rehabilitation That the Department ensure that the rehabilitative programs provided at Bunbury Regional Prison meet the demand and the needs of the prisoner population profile. | | | | • | |

112 Recommendations 4.1 and 4.2 as depicted in this table were in fact one recommendation in the 2008 report (Recommendation 4). The Department, however, failed to respond to the second part of the recommendation that it ensures that the AVS is achieving its outcomes throughout the prison system. Thus, in scoring progress against this recommendation, the Inspectorate was forced to split this recommendation into two parts, the first of which was rated as acceptable progress, whilst the second part scored a less than acceptable.

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2008 RECOMMENDATIONS

| Recommendation No. | Recommendations By Type of Recommendation/Duration Report No. 59, <i>Report of an Announced Inspection of Bunbury Regional Prison.</i> | Assessment of the Department's Implementations | | | | |
|--------------------|---|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 7. | Reparation That the prison develops and implements an Industries Business Plan and ensures that sufficient resources are allocated to the strategic management of the industries area. | | | | • | |

Appendix 3

THE INSPECTION TEAM

| | |
|------------------|--|
| Neil Morgan | Inspector |
| Natalie Gibson | Director, Operations |
| Lauren Netto | Principal Inspections and Research Officer |
| Janina Surma | Inspections and Research Officer |
| Joseph Wallam | Community Liaison Officer |
| Matt Merefield | Inspections and Research Officer |
| Elizabeth Re | Inspections and Research Officer |
| Dorothy Sinclair | Expert Adviser, Department of Training and Workforce Development |

Appendix 4

KEY DATES

| | |
|--|------------------|
| Formal notification of announced inspection | 25 March 2011 |
| Pre-inspection community consultation | 30 May 2011 |
| Start of on-site phase | 24 July 2011 |
| Completion of on-site phase | 29 July 2011 |
| Inspection exit debrief | 29 July 2011 |
| Draft Report sent to the Department of Corrective Services | 25 October 2011 |
| Draft report returned by the Department of Corrective Services | 23 November 2011 |
| Declaration of Prepared Report | 5 December 2011 |



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