



REPORT OF AN ANNOUNCED INSPECTION OF
ALBANY REGIONAL PRISON

78

JUNE 2012
REPORT

*Independent oversight
that contributes to a more
accountable public sector.*



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Report of an Announced Inspection of Albany Regional Prison

Office of the Inspector of Custodial Services
Level 5, Albert Facey House,
469 Wellington Street,
Perth WA 6000

www.oics.wa.gov.au

June 2012

ISSN 1445-3134

**This report is available on the Office's website
and will be made available, upon request,
in alternate formats.**



This document uses environmentally friendly paper, comprising
50% recycled & 50% totally chlorine free plantation pulp.

Contents

THE INSPECTOR'S OVERVIEW

| | |
|--|-----|
| ALBANY REGIONAL PRISON: A PROVEN PERFORMER IN NEED OF CONTINUING INVESTMENT AND A CASE STUDY OF WESTERN AUSTRALIA'S MANAGEMENT OF INDONESIAN PRISONERS | iii |
|--|-----|

| | |
|-----------------|----|
| FACT PAGE | ix |
|-----------------|----|

CHAPTER 1

| | |
|---|----|
| AN OVERCROWDED PRISON WITH INADEQUATE FACILITIES..... | 1 |
| Methodology and Inspection Themes..... | 1 |
| Prison Role and Purpose | 1 |
| Prison Design and Demographics..... | 2 |
| Custodial Infrastructure..... | 4 |
| Hierarchical and Affiliation-based Placement..... | 10 |
| Resourcing for Capacity and Diversity?..... | 13 |

CHAPTER 2

| | |
|--|----|
| STAFFING SUCCESSES AND ISSUES | 15 |
| Managing the 'Albany Way' | 15 |
| Staff Views on Local and Departmental Management | 16 |
| Prison Staffing | 17 |
| Staff Training..... | 18 |

CHAPTER 3

| | |
|--|----|
| SECURITY AND SAFETY | 22 |
| Healthy Relationships Between Staff and Prisoners..... | 22 |
| Disciplinary Measures..... | 26 |
| Complaints and Communication | 26 |
| Emergency Management..... | 27 |

CHAPTER 4

| | |
|---|----|
| EQUALITY AMONGST PRISONER GROUPS | 28 |
| Policy Frameworks Guiding the Equitable Management of Prisoner Groups. | 28 |
| Aboriginal Prisoners | 29 |
| Foreign National Prisoners..... | 39 |
| Indonesian Prisoners..... | 46 |
| Long-term and Life Sentence Prisoners | 50 |
| Protection Prisoners | 51 |

CHAPTER 5

| | |
|---------------------------------------|----|
| LIVING IN ALBANY REGIONAL PRISON..... | 52 |
| Entering Prison | 52 |
| Food, Clothing and Bedding | 53 |

| | |
|---|-----------|
| Personal Property and Purchases | 54 |
| Recreation | 55 |
| Social Visits..... | 57 |
| Funerals | 59 |
| Maintaining Spiritual Connections..... | 60 |
| CHAPTER 6 | |
| HEALTH SERVICES | 61 |
| The Department's Health Service Delivery Framework | 61 |
| Human Resources..... | 62 |
| Appointment System..... | 68 |
| Clinical Screening and Assessment..... | 68 |
| Medication Management..... | 71 |
| Management of Prisoners at Risk..... | 71 |
| Blood-borne Virus Management..... | 72 |
| Occupational Safety and Health (OSH) | 74 |
| CHAPTER 7 | |
| EDUCATION, PROGRAMS, WORK AND REINTEGRATION | 75 |
| Education..... | 75 |
| Assessments | 77 |
| Offender Programs | 78 |
| Industries, Employment and Training | 79 |
| Pre-release and Transitional Services | 80 |
| Sustainability | 82 |
| CHAPTER 8 | |
| EVALUATING THE 'ALBANY WAY' | 83 |
| Overall Inspection Findings and Conclusions | 83 |
| APPENDIX 1 | |
| THE DEPARTMENT'S RESPONSE TO THE 2012 RECOMMENDATIONS..... | 87 |
| APPENDIX 2 | |
| SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE | |
| 2008 RECOMMENDATIONS..... | 92 |
| APPENDIX 3 | |
| THE INSPECTION TEAM..... | 93 |
| APPENDIX 4 | |
| KEY DATES | 94 |

The Inspector's Overview

ALBANY REGIONAL PRISON: A PROVEN PERFORMER IN NEED OF CONTINUING INVESTMENT AND A CASE STUDY OF WESTERN AUSTRALIA'S MANAGEMENT OF INDONESIAN PRISONERS

INTRODUCTION

This is the report of an announced inspection of Albany Regional Prison ('Albany') conducted in November 2011.ⁱ Previous inspections conducted in 2002, 2005 and 2008 have consistently praised Albany as one of the state's best performing prisons.ⁱⁱ This report confirms that it remains a high performer but makes recommendations designed to ensure that performance does not slip and that the prison has adequate infrastructure to meet the needs of its growing number of prisoners, its complex prisoner profile and its committed staff.

Our process of continuous inspection, under which we regularly visit and monitor all prisons, meant that we were very confident prior to this formal inspection that we would again find Albany to be one of the best-run and highest functioning prisons. The inspection therefore provided an opportunity to reflect more broadly on why Albany has so consistently performed to a high standard. When asked about Albany's proud record, some people use phrases such as 'that's just Albany for you' or 'that's the Albany way'. But such phrases do not do justice to the effort, planning, commitment and professionalism required to achieve consistently good performance. Importantly, Albany should also offer lessons of more general application.

The positive findings of this report should not obscure the fact that the prison faces some serious challenges. The most obvious of these is that it has been required to 'do more with less' over recent years. The number of prisoners housed at Albany has increased significantly, and a new unit was recently opened,ⁱⁱⁱ but vital supporting infrastructure, some of which has needed attention for many years, has not been replaced, renovated or expanded.

This inspection also provided an opportunity to examine in some detail the management of Indonesian prisoners, more than fifty of whom were being held at Albany, the vast majority having been charged with 'people smuggling' offences.^{iv} As well as making some positive findings, the report raises some significant issues with respect to the treatment of these prisoners. Developments with respect to Indonesian prisoners since the inspection also make it necessary to provide updated comment in this Overview.

-
- i Publication of this report has taken longer than I would have hoped. This is largely due to the need to seek clarification from the Department of Corrective Services (DCS) with respect to their initial responses to the report's recommendations.
- ii OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002); *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006); *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2008).
- iii Unit Four opened on 24 February 2012. At the same time, Unit Three was closed.
- iv I have used the term 'charged' rather than 'convicted' because a number of these prisoners were on remand awaiting the outcome of their cases.

THE INGREDIENTS OF SUCCESS

By and large, the 'Albany Way' is implicit rather than explicit. Local management, staff and prisoners refer to it, and it informs daily life at the prison but it has not been formally analysed or articulated. Six key ingredients are set out below. The recipe includes some system-wide learning opportunities:

- (i) **Shared positive values** are evident throughout the prison. Whilst there is always room for improvement, and whilst some staff debate the merits of certain practices, they know, understand and apply the core values of the prison. These include a strong focus on decency and respect.
- (ii) **Staff culture.** The overwhelming majority of staff have a pragmatic 'can do' attitude. They also have a more positive attitude to the job and to the management team than is the case at many prisons.
- (iii) **Management culture.** The management team is stable but not stale. It is an experienced team and the prison has benefited from strong succession at the Superintendent level. When the Superintendent or other senior managers are on leave or acting in other positions, there is consistent and experienced coverage. There also appear to be sound processes to allow staff to 'act up' into higher positions at the prison when opportunities arise.

One of the most striking and important features of Albany is that the management team is visible in the prison itself and is known to and connected with staff and prisoners. At many prisons, management now lack such visibility. At many other prisons, Superintendents say that the demands from above (head office) and from below (the prison) are such that they have no time to get 'out and about'. However, Albany has managed to maintain a good balance between reporting up and managing locally. The benefits of this are clear, tangible and positive.
- (iv) **Pro-social staff/prisoner culture.** Albany retains the positive staff/prisoner culture on which previous reports have also commented. A pro-social culture does not involve 'being soft' on prisoners; it involves treating people with dignity and respect, knowing the prisoners, knowing what is going on under the surface, and working through issues which might otherwise escalate. It is no surprise, then, that Albany has an enviable track record for the safe management of prisoners who have proved difficult to manage elsewhere in the system, a better case management system than other public prisons,^v and a positive approach to the management of foreign national prisoners.
- (v) **Innovation and responsiveness.** The report identifies several areas where Albany has been proactive and innovative. Examples include the use of Skype technology for the benefit of foreign national prisoners, the introduction of the Prison Forum as a means to connect better with prisoners, and an enterprising approach to developing the prison's Aboriginal Services Committee (PASC) and an Indigenous Employment program (IEP). The prison has also proved very responsive to our suggestions over the years.

v Acacia Prison, currently operated by Serco, also has better developed case management systems than other prisons: OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) 44–46.

- (vi) ***Community support and re-entry services.*** Albany Prison is located out of town and is not on a main access road. As a maximum security facility, there are also very limited opportunities for community based work by its prisoners. However, it is not a case of 'out of sight, out of mind'. The local community and representatives at all levels of government are actively interested in and supportive of the prison, and community based agencies are providing positive, proactive and well-coordinated re-entry services.

AREAS OF CHALLENGE/IMPROVEMENT

The positive findings and comments contained in this report should not mask the fact that further investment is required at Albany. To that end, we have made 16 recommendations. These are compiled in Appendix One, along with the responses of the Department of Corrective Services ('DCS').

It will be seen that the vast majority of our recommendations require investment in the physical infrastructure of the prison and/or in additional human resources in key service areas. Focal points of the recommendations include health services, education and employment opportunities for prisoners. None of these areas has kept pace with expanded prisoner numbers and many areas, including the health centre and the education centre, were in need of rebuilding or refurbishment even before the number of prisoners increased.

Prisons are far more than beds, bricks and mortar; they are a living interactive environment. But there is a limit on the extent to which staff, however resourceful they may be, can continue to make do. In particular, the prison suffers from prisoner unemployment and under-employment, and from inadequate and under-staffed health facilities and services.

ABORIGINAL PRISONERS

Few Aboriginal prisoners at Albany are currently accessing staged re-entry through placement at a minimum security prison or a work camp. There are also limited opportunities for skill development at Albany itself. No fewer than six recommendations in this report are therefore directed in whole or in large part at improving Aboriginal prisoners' prospects of a safe and crime free re-entry to the community.

Disappointingly, DCS has only fully supported two of these recommendations (Recommendation 7 regarding Aboriginal prisoners from other parts of the state who are being held 'out of country' at Albany, and recommendation 11 regarding the appointment of an Aboriginal Health Worker). It has either not supported or has given only equivocal and non-committal support to the recommendations which targeted improved employment, skilling and re-entry processes for Aboriginal men from the south west (Recommendations 4 and 5). This does not augur well: this group has high re-entry needs and should be a higher priority for departmental planning, initiatives and measurably improved outcomes.

FOREIGN NATIONAL AND CULTURALLY/LINGUISTICALLY DIVERSE PRISONERS

At the time of the inspection, around 90 of Albany's prisoners, close to 30 per cent of its population, were classified as foreign nationals. Fifty seven of them were Indonesian nationals who had been charged with 'people smuggling' offences.

Even leaving to one side the Indonesian prisoners, the number of foreign nationals in Western Australia's jails has been increasing in recent years, as has the cultural and linguistic diversity of the prisoner population. Albany has taken a positive and proactive approach to managing these groups but more comprehensive system-wide policies are needed to promote, support and embed good practice. Unfortunately, DCS has not yet produced such policies despite having committed to do so more than two years ago.^{vi}

INDONESIAN PRISONERS

General Treatment

The Federal government does not have prisons of its own but relies on the states and territories to house people who have been convicted of offences against commonwealth law, such as drug importers and social security offenders. The most discussed cohort of 'commonwealth prisoners' in recent years is people charged with 'people smuggling' offences, almost all of whom are Indonesian citizens by origin and fishermen by trade.

On the positive side, this report shows that the state government, the federal government and the Indonesian government can be satisfied that Albany Regional Prison has generally managed Indonesian prisoners well, especially given the overcrowding pressures faced over the past three years. However, there are two areas of serious continuing concern: the inability of Indonesian people charged with 'people smuggling' offences to send money home to their families during their lengthy time in custody and the detention of Indonesian minors in our jails.

Indonesian Prisoners' Earnings: Discrimination, Confusion and Illogicality

Prisoners are able to earn 'gratuities' when they work in prison. In Australian terms the amounts are quite low, ranging from around less than \$3 ('level six') to \$8.90 ('level one') per day. Gratuities are necessary because prisoners must undertake work which is essential to core operations in areas such as the kitchens, gardens, laundries and general maintenance. Gratuities are also desirable as they offer an incentive to good behaviour. The general principle is that prisoner can 'work up' to higher gratuity levels over time.

Because of the mandatory minimum penalties that apply to 'people smuggling' offences, the Indonesian prisoners are generally serving relatively long sentences. They are also universally regarded as good workers. Consequently, many will reach gratuity levels one, two or three.

In some quarters, there is a view that because the gratuity amounts are quite large compared with what boat crew members would earn at home, they will not be deterred by the prospect of a prison sentence if they are allowed to remit money home. Because of their impoverished home circumstances and the high public profile of such offences, Indonesian boat crew

vi OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010) 81.

(not only 'people smugglers' but also illegal fishermen) have therefore been made subject to rules relating to gratuities which are not applied to any other prisoners.

DCS policies permit prisoners convicted of 'people smuggling' offences and illegal fishermen to spend their gratuities through the prison canteen (on items such as food, cigarettes, soft drinks and sports shoes) but not to remit money home during their time in prison.^{vii} This practice is said to be based on a request from the Commonwealth Attorney General's Department with a view to the Department of Immigration and Citizenship (DIAC) issuing a notice to garnish such prisoners' earnings (a 'garnishee notice') to recoup some of the costs incurred by the Commonwealth in detaining them in immigration facilities prior to their transfer to prison.

The rules are discriminatory, illogical, distressing, confusing and counter-productive:

- Foreign nationals who are murderers, sex offenders or drug traffickers can remit money home.
- The policy is not expressly limited to Indonesians. But given that it is limited to people smugglers and illegal fishermen, its only practical impact is on Indonesian boat crew. As such, it is discriminatory.
- Although Western Australia was swift to actively embrace the Commonwealth's 'request', not all states and territories have done so.
- Even remand prisoners, a significant number of whom are ultimately found not guilty, are subject to the policy.
- The policy is creating palpable anxiety and distress. The Indonesian prisoners feel shame at being unable to provide for their dependents, and many told moving stories about their family circumstances. Whilst we cannot directly confirm the truth of those stories, they were plausible and consistent.
- The Commonwealth authorities are not backing up their 'request' to the state authorities by actually seeking to garnish people's earnings. For example, I understand that the young men who were recently repatriated were able to take money home. How much of this was due to diplomatic and media pressure can only be a matter of speculation.
- Common sense and humanity suggest it would be far preferable for prisoners to be able to provide some support to their families during their incarceration rather than taking a potentially large amount home at the end.

Recommendation 10 to this report proposes that all foreign national prisoners should be able to use their gratuity earnings during their time in prison to support their dependants. DCS has declined to express a view either way on this recommendation, stating only that it has been noted and that the Department is currently in discussions with DIAC and the Federal Government.

vii ACCO (Assistant Commissioner Custodial Operations) Notice 8/2011: Restricted Expenditure of Gratuities as amended by ACCO Notice 14/2011. ACCO Notice 8/2011 originally prevented the prisoners from purchasing anything other than 'consumables' through the canteen and caused a number of Indonesian prisoners at one of the state's prisons to threaten to withdraw their labour.

ALBANY REGIONAL PRISON: A PROVEN PERFORMER IN NEED OF CONTINUING INVESTMENT AND A CASE STUDY OF WESTERN AUSTRALIA'S MANAGEMENT OF INDONESIAN PRISONERS

The sooner this saga is brought to an end by DCS abandoning its current policy the better. Prisoners have a right to be treated equally and both prisoners and staff have a right to know where they stand. And the argument that special rules are necessary for Indonesian boat crew in order to maintain deterrence should be assigned to history unless its supporters can provide compelling concrete evidence. Far from being sanguine about imprisonment, many of the boat crew are pleading not guilty and/or challenging their detention on the basis of age. Their cultural respect for authority and their genuine appreciation for care shown by prison staff must not be construed to mean they would ever choose gratuities over freedom.

Age

The inspection strongly affirmed our view – and one that has been shared with other agencies – that some under-age Indonesian men have been held in the state's prisons. It is impossible to give precise numbers but during the inspection period, DIAC removed one young person from Albany and we encountered several other men who looked, acted, appeared and claimed to have been under 18 years of age at the time they were detained. Subsequently, some of them have been released.

This is not the place for detailed discussion of how this situation arose. Suffice it to say that it raises issues about the criminal justice system which lie outside the jurisdiction of either my office or of corrective services departments. These issues include the adequacy of age determination tests and some aspects of pre-trial and trial processes. These issues are currently the subject of detailed investigation by the Australian Human Rights Commission, and early indications are that their report will be a sobering read.^{viii}

Neil Morgan

8 June 2012

viii <http://www.humanrights.gov.au/ageassessment/index>

Fact Page

NAME OF FACILITY

Albany Regional Prison

LOCATION

Albany Regional Prison is located 8 kilometres west of Albany, 414 kilometres south of Perth. The traditional owners of the land are the Noongar people.

ROLE OF FACILITY

Albany Regional Prison is a multi-security prison that includes a short term 'suite' for female prisoners. Albany's focus includes management of Aboriginal, foreign national and long term prisoners, and assisting other prisons with the overflow of maximum security prisoners.

BRIEF HISTORY

The prison was opened in September 1966.

LAST INSPECTION

2–7 November 2008

ORIGINAL DESIGN CAPACITY OF PRISON

72

CURRENT DESIGN CAPACITY OF PRISON

250

“OPERATIONAL” CAPACITY OF PRISON

357^{ix}

NUMBER OF PRISONERS HELD AT TIME OF INSPECTION

310

DESCRIPTION OF RESIDENTIAL UNITS

Unit 1 Standard and mixed accommodation, with education and medical centres.

Unit 2 Standard accommodation.

Unit 3 Non-operational (previously semi-self care accommodation).^x

Unit 4 Self care and semi-self care accommodation.^{xi}

ix This figure is according to the Department of Corrective Services' website, last update on 14 January 2011.

x Current status, as of 25 February 2012.

xi Ibid.

Chapter 1

AN OVERCROWDED PRISON WITH INADEQUATE FACILITIES

METHODOLOGY AND INSPECTION THEMES

- 1.1 The methodology of the Office of the Inspector of Custodial Services ('the Inspectorate') is that of continuous inspection. In the case of Albany Regional Prison (hereafter referred to as 'Albany') this meant that, prior to the inspection, we were reasonably confident that we would find that it was performing well, albeit with significant issues needing to be addressed. As has been the case in previous inspections, this prison has been directly engaged in the inspection process.
- 1.2 The Inspectorate's methodology includes a process of reporting by exception, allowing the Inspectorate to focus on the areas of most concern. Areas of particular focus for this report included:
 - i) Demographic changes and infrastructure needs: Albany's diverse prisoner population is increasing. Is the Department and prison adequately managing its size and diversity?
 - ii) Treatment of Aboriginal prisoners: Are the specific needs of this prisoner population being supported?
 - iii) Treatment of foreign national prisoners: Are the specific needs of this prisoner population being supported?

PRISON ROLE AND PURPOSE

- 1.3 Albany operates within the Department's policy frameworks, including an integrated throughcare and case management model to manage prisoners, and more specific policies for the treatment of Aboriginal prisoners and women prisoners.¹ Policy guidance on the management of Aboriginal prisoners is particularly important at Albany given the prison's large Aboriginal population. The Department's Prisons Aboriginal Service Committee process currently provides a framework for addressing Aboriginal prisoner disadvantage and reducing recidivism.²
- 1.4 The prison defines its role as assisting metropolitan prisons with the overflow of maximum security prisoners and acting as a regional facility for prisoners from the Great Southern catchment area. Its role also includes provision of a service specific to the needs of the prison's minimum security cohort.
- 1.5 The prison's specific purposes include accommodating foreign national prisoners who are not receiving regular visits in the metropolitan area.³ The prison also specialises in the management, progression and dispersal of long-term sentenced prisoners. The management of prisoners requiring alternative placement from other prisons for either behaviour or security reasons is another of Albany's particular purposes.

1 Women are only held for short periods at Albany, for arrivals before transfer to other prisons, and when transferred to Albany briefly to facilitate local visits.

2 Department of Corrective Services (DCS), *Reducing Aboriginal Disadvantage, A Guide for Aboriginal Services Committees within Western Australian Prisons* (March 2011); Office of the Inspector of Custodial Services (OICS), interview with DCS Reform Coordinator (18 January 2012). This process is being reviewed by the Department, possibly in line with a Reconciliation Action Plan format.

3 DCS, *Draft Albany Regional Prison Business Plan 2011–2012* (undated).

PRISON DESIGN AND DEMOGRAPHICS

- 1.6 A prison's 'design capacity' includes the total number of cells designed for single occupancy, plus the number of beds for shared cells or dormitories. Design for capacity necessarily involves planning for sufficient accommodation, infrastructure and services.⁴ This should include sufficient industrial, medical, and educational facilities and services.
- 1.7 In response to the increase in the Western Australian prison population in recent years, the Department introduced the concept of 'operational capacity'. A prison's operational capacity is calculated by the total number of beds (including bunk beds) installed in the cells but excludes mattresses on floors.⁵ Filling prisons to their operational capacity largely involves double bunking prisoners in cells designed to hold one person. This practice has resulted in widespread overcrowding, and infrastructural and service shortfalls. As the *Report on Government Services 2012* indicates, one result is that Western Australian prisons are more than 20 per cent above design capacity and are more overcrowded than most prisons in other Australian states and territories.⁶
- 1.8 At the time of the last inspection Albany was already crowded with a design capacity of 186 and a population of 220 prisoners. The prison is currently overcrowded and is operating at 66 per cent above design capacity with a maximum population of 310 prisoners.⁷ In 2011 the Department built a new accommodation unit at Albany. The new unit, which was not operational at the time of the inspection, contains 64 cells that contain bunk beds allowing for double-occupancy.⁸ If the unit is used on a single-occupancy basis (as planned by prison management) overcrowding in other units within the prison will be alleviated.⁹ This will also allow the prison to improve its hierarchical accommodation management.¹⁰
- 1.9 Staff resourcing issues may prevent the prison from being able to utilise all four units. In principle, the Department supports the staffing increase that would enable all units to be operative.¹¹ However, at the time of writing departmental management were waiting on ministerial support for the additional resources. As a consequence, there is a risk that the prison may have to close Unit Three and operate with three units.¹² Any alleviation of overcrowding created by the new unit will therefore be lost and the prison will continue to operate at least 60 per cent above its design capacity.

4 See DCS, <http://www.correctiveservices.wa.gov.au>

5 The Western Australian prison population has increased from 3433 in 2005–6 to 4648 in 2011: DCS *Annual Report 2009–2010* (2010) 25; DCS *Annual Report 2010–2011* (2011). The Department's management of the increase has been multifaceted. In addition to double-bunking single occupancy cells, 640 extra maximum security beds are being added at Albany, Casuarina and Hakea, and there are programs to increase capacity at minimum security facilities and work camps. Acacia prison is also due to be expanded.

6 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011). Steering Committee for the Review of Government Service Provision, *Report on Government Services 2012, Volume 1, Early Childhood; Education and Training; Justice; Emergency Management* (2012) figure 8.15. Note Victoria and South Australia are not included in the comparison.

7 These figures do not include the new accommodation unit, which was not operational at the time of the inspection.

8 An official opening ceremony was held on June 10 2011. However, ongoing discussions over staffing levels, and minor infrastructure improvements delayed its operational opening until 25 February 2012.

9 That is, the prison will only be operating at 24% above design capacity if the population remains at 310.

10 See 1.32–1.38.

11 Information based on discussions with senior departmental staff. See also 1.44–1.47 and Recommendation 2.

12 The prison would use the opportunity to make improvements to the closed unit.

AN OVERCROWDED PRISON WITH INADEQUATE FACILITIES

1.10 The overpopulation pressures at Albany are complicated by the particular mix of prisoners held in the prison. Albany holds a mix of minimum, medium and maximum security rated prisoners (see table below¹³). While medium security prisoners are the majority, the prison typically holds more minimum than maximum prisoners.

| Security ratings | No. of prisoners | Proportion of prison population |
|------------------|------------------|---------------------------------|
| Minimum | 58 | 19% |
| Medium | 211 | 68% |
| Maximum | 42 | 13% |
| Total | 311 | 100% |

1.11 The prison is also ethnically mixed with its population being made up of Australian Aboriginal prisoners, Australian non-Aboriginal prisoners and foreign national prisoners in approximately equal proportions (see table below).¹⁴ Indonesian prisoners make up the majority of the foreign national component. At the time of the inspection the majority of the Aboriginal prisoner population were south-west Noongar people, while remote and regional Aboriginal people form a substantial minority (primarily from the Ngaanyatjarra Lands, Goldfields, Geraldton area, and Kimberley).

| Ethnicity | Numbers | Proportion of prison population |
|---------------------------|------------|---------------------------------|
| Aboriginal (Noongar) | 75 | 24% |
| Aboriginal (Remote) | 28 | 9% |
| Aboriginal (All) | 103 | 32% |
| Australian Non-Aboriginal | 117 | 38% |
| Indonesian | 57 | 18% |
| Other Foreign Nationals | 33 | 11% |
| Foreign Nationals (All) | 90 | 29% |
| Total | 310 | 100% |

13 DCS, TOMS (3 October 2011).

14 Ibid.

CUSTODIAL INFRASTRUCTURE

- 1.12 The Inspectorate’s code requires that building design should be functional and appropriate to the profile of the prisoners. In addition to providing for adequate care and wellbeing, a key function of prison accommodation is facilitation of the hierarchical management system. This system should work to encourage prisoners to adopt law-abiding lifestyles through the provision of rewards for prisoners who behave well and regression for those who behave poorly. The system has four privilege and supervision levels – close, basic, standard and earned supervision. Appropriate accommodation facilities should match each of the privilege levels.
- 1.13 This system of reward and regression enables a prison to improve safety and provide a constructive environment for prisoners. Such a system needs to ensure that diverse groups have equitable access to progression through the privilege levels. Accommodation also needs to be provided in a way that ensures equity for particular-needs groups of prisoners (such as those attempting to stay drug free) and protection prisoners should also have access to privileged accommodation. However, at Albany (as at other Western Australian prisons) overcrowding has eroded the hierarchical system and the provision of equitable treatment.¹⁵
- 1.14 Albany’s diverse prisoner population is housed in a mix of buildings: some are old and dilapidated, some areas have improvised improvements, and others are newer and appropriately designed. The prison has four accommodation units which are to be redeployed once the newly built Unit Four opens.¹⁶ Until then, the prison’s hierarchical system includes most of Unit One (yards A, B and C) and all of Unit Two as the entry level standard supervision units. D Yard (in Unit One) and Unit Three function as the earned supervision areas.
- 1.15 Unit One comprises a total of 72 cells in the four ‘yards’ and a mixed-purpose accommodation area (E-section). The major accommodation areas of Unit One are A and B yards, which hold up to 48 prisoners in 24 double-bunked single cells (see figure 1 overleaf). The unit also incorporates the medical and education centres, and a kitchen which adjoins the accommodation areas of Unit One. The kitchen has been subject to various modifications since 1966 and is now functioning at its maximum capacity.¹⁷

15 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011).

16 At the time of writing the prison is still engaged in discussions with departmental management and the union.

17 The Inspectorate’s first report on Albany describes the layout of Unit One (the original prison) when built in 1966. See OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002) 3–4.



Figure 1: Unit One B Yard

- 1.16 C Yard contains the protection prisoners' yard which holds up to 15 prisoners in double-bunked cells.¹⁸ Numbers in this yard are generally kept to no more than 10 in order to ensure adequate prisoner management and protection. Inspection staff were told that this yard is only suitable for short-term accommodation. C Yard also includes a management yard for close supervision prisoners held in three cells. The dual use of C Yard presents management problems because, for example, protection prisoners need to be locked in their cells when management prisoners are being brought in or out. C Yard presents such an inadequate facility for protection prisoners that the prison's plan to move protection prisoners into D Yard once ligature-free cell modifications have been made seems sensible and urgent.¹⁹
- 1.17 D Yard, although located in the oldest accommodation in the prison, is currently the highest level in the hierarchical management model and has single-bedded single occupancy cells. The yard is the only part of the prison's self-care accommodation that facilitates full self-care cooking.
- 1.18 E-section in Unit One contains the Prosecution Officer's office, the courtroom, an x-ray room, stores bay and escort entry, a multipurpose cell, two observation cells, the urine sample room, an officer pod, four punishment cells and a small exercise courtyard. E-section also contains the short-stay women's suite (see figure 2 overleaf). When the prison population rises above 310, E-section contains the overflow.²⁰

18 At least one cell may be used on a single occupancy basis.

19 See also 4.100.

20 DCS, *Albany Regional Prison Superintendent's Inspection Briefing Notes* (21 November 2011).



Figure 2: E-Section Women's short-stay suite

- 1.19 The punishment cells each contain reading and writing material, and a television. Prisoners on the E-section regime also have access to the exercise yard for one hour per day. The limited number of punishment cells restricts the number of prisoners that can be put through the Visiting Justice parade (to a maximum of six).²¹
- 1.20 Unit One is dilapidated and poorly designed for modern custodial purposes (including in respect of each of the security, care and wellbeing, occupational safety and health, and environmental criteria). The building suffers from concrete cancer and structural defects in its walls and roof causing occupational safety and health risks to staff and prisoners. The unit lacks natural light and is not energy efficient. The unit also fails to provide 'cells with separate showers and toilets, writing and storage furniture, useable windows and intercom', and sufficient recreation facilities.²²
- 1.21 With the increase in prisoner population, officers report that pressure is often felt in the Unit One yards where overcrowding and the proximity of different groups exacerbate tensions. The inadequate buildings do not lend themselves to good management of inter-group tensions, for example, those between Aboriginal and Indonesian prisoners.²³

21 The Visiting Justice parade is the court process for prisoner offences of a more-serious nature. Lesser offences are dealt with in the Superintendent's parade.

22 DCS, 'Application for Concept Approval, Albany Regional Prison Unit One Replacement', submitted for funding 2012–2013.

23 See 3.10 and 4.88–4.89 below.

-
-
- 1.22 The prison submitted a new business plan for a replacement unit in 2011.²⁴ The plan recognises that it will be more cost effective to demolish the building and build anew.²⁵ The plan included a new medical centre, education centre and kitchen, as well as a modern 64-cell accommodation unit with a number of special purpose cells. This plan reflects the Inspectorate's call for the replacement of Unit One in all three inspections of Albany to date. The Department accepted the Inspectorate's recommendation to replace the Unit by 2013, subject to funding, following the 2009 inspection report.²⁶ However, while the Inspectorate continues to call for the replacement of the unit's substandard accommodation, the most pressing need at this time is the replacement of the unit's wholly inadequate medical and education facilities.
- 1.23 Units Two and Three were built later than Unit One. Unit Two, built in 1988, was originally designed for 56 prisoners but now has an 'operational capacity' of 112 and regularly holds approximately 108 prisoners. Unit Three, built in 1993, continues to be used for privileged standard prisoners in a limited self-care environment. The 'operational capacity' is 120 prisoners in 60 double-bunked cells. However, in practice the prison limits the unit's population to 90 prisoners, reserving the cells of one wing as single occupancy. This wing was originally designed as the Drug Free Unit (DFU). Overcrowding has diminished the functionality of the DFU, which now contains a number of long-term prisoners who have earned single cell occupancy through good behaviour. The prison plans to reintroduce a fully functioning DFU once the new unit has opened in order to adequately address the needs of drug dependent prisoners.
- 1.24 Unit Four (see figure 3 overleaf) is the new accommodation unit which, once opened, will become the highest level in the prison's hierarchical management model. The 'operational capacity' of this unit is 128 prisoners held in 64 double-bunked cells, separated into two wings. However, in order to be able to provide a workable hierarchical system, prison management plan to utilise it as self-care accommodation on a single cell occupancy basis. On that basis, the unit should hold up to 64 prisoners.

24 Ibid. The prison had previously submitted a replacement plan. See OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006).

25 Ibid.

26 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002); OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006); OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009).



Figure 3: Unit Four dining room and accommodation wing

- 1.25 The new unit improves the prison’s ability to utilise its facilities, particularly as the prison plans to cap the population at 310 prisoners. In order to facilitate the new unit and expanded population the prison has made some infrastructural improvements, including the two program rooms in Unit Four.²⁷ However, as discussed below, more needs to be done to overcome the infrastructural problems caused by population pressure and ageing facilities.

Service Facilities: Inadequate Education, Medical and Industrial Facilities

- 1.26 As noted above, a prison is considered to be overcrowded not just when population numbers exceed design capacity for accommodation, but also for inadequate service facilities. A recent parliamentary committee discussion of prison overcrowding is particularly relevant for Albany:

Overcrowding is measured by more than the ratio of prisoners to capacity. It also includes the extent to which a prison accommodates more prisoners than it has the adequate infrastructure to accommodate. In particular, this applies where prisons have increased their numbers accommodated without commensurate increases in facilities, programming, medical, and mental health resources (among other things).²⁸

27 Completed infrastructure includes the boiler replacement, new and refurbished ablutions in Unit One. In Unit Four: two new program rooms; two secure lobbies; store room; toilet; enabling works; additional mechanical services; additional sprinkler system; transportable program rooms (four rooms in two buildings); canteen extension; office for AIPR writers; conversion of old programs room into unit staff meals and ablutions rooms; extension of carparks; transportable training room; staff facilities building; basketball court; a roadbase for cameras; an upgraded power transformer; and an upgraded switchboard.

28 See Western Australian Legislative Assembly, Community Development and Justice Standing Committee, *Making Our Prisons Work, An Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies* (June 2010) 51. The report states that overcrowding curtails opportunities for employment, education and training, and leads to prisoner idleness, causing discontent and disruptive behaviour.

- 1.27 Overcrowding at Albany has meant that existing infrastructure such as industrial, education and medical facilities are inadequate. The previous inspection found the education centre was overcrowded and cramped²⁹ and this problem has intensified with the increased population. Most classrooms are very small and some have privacy issues. There are two larger spaces available for full-sized groups and a small permanent arts area. The staff area is crowded with little provision for comfort. The competition for space has the potential to increase tension between inmates. Despite the building's constraints, the prison has endeavoured to provide a range of suitable spaces. Since the previous inspection the prison has expanded the centre to include three additional classrooms and a new storage area. Nonetheless, the prison has recognised the building's inadequacy and its redevelopment plans include an expanded and better-designed education facility.
- 1.28 The health centre was not purpose built. The environment is degraded and sterility is compromised. There is insufficient space relative to the number of staff who work at the centre and the number of patients being serviced. Of particular concern is the configuration of some consulting rooms, which potentially compromise the safety and security of staff. Storage space is also seriously inadequate with corridors being used to store large cleaning equipment items, and areas such as a toilet/slucice area doubling as a storage area for wheelchairs, chemicals and cleaning equipment (see figure 4). Such arrangements are hazardous and unsuitable.
- 1.29 The health centre's ceilings have lifted in high winds, and there is water damage to walls from leaking ceilings. Floor coverings are damaged throughout the centre, and a number of sinks/slucice basins and toilets feature permanent staining and appear dirty. The prison redevelopment plans include a new health centre. If approved, this will provide an adequate solution to an urgent problem.



*Figure 4:
Cleaning gear kept in
health centre corridor*

29 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009).

- 1.30 At the time of the inspection the workshops provided employment for 61 prisoners, approximately 20 per cent of the prisoner population. The prison recognises that the workshops' size and diversity are insufficient for the prison population, and that this is the key reason for underemployment in the prison. The prison's plans include expansion of the laundry, and provision of a separate paintshop and an Aboriginal arts workshop. Such developments would greatly improve the amount and quality of meaningful prisoner work and training at Albany, and help address the major problem of Aboriginal disengagement and underemployment in particular.³⁰
- 1.31 Prison management recognises the effects of overcrowding at the prison and its inability to fulfil its key roles while it lacks adequate resources to do so. The prison has sensible plans to address its problems, but has yet to be supported with the resources necessary to achieve them.

Recommendation 1

Provide the new health, educational and industrial facilities the prison has identified as necessary to the performance of its functions.

HIERARCHICAL AND AFFILIATION-BASED PLACEMENT

- 1.32 As discussed above, the hierarchical management model for prisoners aims to encourage prisoners to adopt law-abiding lifestyles through a system of privileges and supervision levels that rewards prisoners for sustained acceptable behaviour.³¹ At Albany, however, overcrowding has severely restricted the prison's privileged placement options. The prison's few single occupancy cells are generally reserved for a small number of long-term prisoners and for those 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 for many who should qualify under a hierarchical system.
- 1.33 Within the infrastructural limitations, Albany's hierarchical management is standard for maximum security prisons inasmuch as it reflects some progression from basic supervision to earned supervision status. However, as discussed below, the prison also takes a more flexible approach to accommodation placement, displaying cultural sensitivity to the prison's diverse ethnic groups.

30 See 4.15–4.20.

31 DCS, Policy Directive 3, 'Hierarchy of Prisoner Management Regimes' (undated) 1.

Ethnicity and Hierarchy

- 1.34 Aboriginal prisoners are over-represented in Unit One. Aboriginal people made up 35 per cent of Albany's entire prisoner population, but 43 per cent of the Unit One population and only 19 per cent of the Unit Three accommodation.³² In contrast non-Aboriginal Australians also make up 35 per cent of Albany's entire prisoner population, but only 28 per cent of the Unit One population and 43 per cent of the Unit Three accommodation.
- 1.35 Minimum security prisoners should, in theory, normally be placed in privileged accommodation. Fifty per cent of Aboriginal people with minimum security status are in Unit One and an Aboriginal prisoner with minimum security status is 42 per cent more likely to be placed in Unit One than a non-Aboriginal person. Similarly, while only 20 per cent of Aboriginal people with minimum security status are in Unit Three, 36 per cent of non-Aboriginal Australians with minimum security status are in Unit Three.
- 1.36 Indonesian prisoners appear to be equitably represented in Unit One. Indonesians make up 20 per cent of Albany's entire prisoner population, and 17 per cent of the Unit One population. However, 52 per cent of Indonesian minimum security prisoners are accommodated in Unit One, but only 29 per cent of non-Aboriginal Australians with minimum security status are in Unit One. That means an Indonesian prisoner with minimum security status is 44 per cent more likely to be placed in Unit One than a non-Aboriginal Australian. Moreover, Indonesians of all security levels also make up 20 per cent of the Unit Three accommodation. In contrast non-Aboriginal Australians make up 43 per cent of the Unit Three accommodation.

Facilitating Ethnic Affiliation

- 1.37 The prison's use of its available accommodation partially reflects principles of hierarchical management.³³ It also facilitates ethnic affiliations, allowing prisoners from ethnic and cultural groups to be accommodated together. The prison takes a well-informed approach to affiliated accommodation – for example, some of the large Aboriginal family groups can choose to be accommodated together regardless of their position within the hierarchical system.³⁴ In other cases the prison displays good sense in allowing those Indonesians who cohabit amicably to stay together, while keeping apart those who might have conflicts (for example, caste-based conflicts).
- 1.38 Within the confines of insufficient and inappropriate infrastructure, the prison's approach is innovative and well managed. It is because of the prison's strong dynamic security built on strong staff-prisoner relations that the mix of different ranks with the hierarchical system and different ethnic groups actually works.

32 This proportion is higher than that at the time of the inspection. Data derived from DCS, TOMS (October 2011).

33 See DCS, Policy Directive 3, 'Hierarchy of Prisoner Management Regimes'.

34 This is a longstanding practice. See OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002). The Inspectorate reported that 'We were advised that some Aboriginal prisoners prefer to be in Unit One in order to be with their friends and relations and that the yards there provide prison managers with greater flexibility in dealing with outbreaks of family disputes'.

Minimum Security Prisoners

- 1.39 Although a maximum security facility, Albany holds substantial numbers of minimum security prisoners. This has been a longstanding problem. In 2006 the Inspectorate discussed the potential for the Great Southern prison facilities to better service its minimum security prisoner population, partially through the creation of more minimum-security beds by refurbishing Pardelup.³⁵ The Department upgraded the work camp to prison farm status, with an expanded capacity of 88 prisoners.³⁶
- 1.40 In 2009 the Inspectorate called for a minimum security unit at Albany.³⁷ In late 2010 the prison submitted a business plan for a 20 to 30 bed minimum security facility to be built on Department-owned property outside the perimeter fence.³⁸ The prison's objectives for the minimum security facility included³⁹ effective management of offenders in accordance with assessed risk and need; reducing re-offending through the provision of innovative and relevant programs and services designed to positively change offender behaviour; enabling local minimum security prisoners to remain close to family and remain 'in country';⁴⁰ improving the capacity to return prisoners to their homes upon release from custody; and reducing long term recidivism and contributing to community safety.⁴¹
- 1.41 Unfortunately the prison's funding application was unsuccessful and the problem of inappropriate minimum security placements in the Great Southern region persists. Pardelup's increased capacity has not enabled Albany to decrease the number of minimum security prisoners it holds (and in particular, the number of Aboriginal prisoners).⁴² There has been a statewide increase in minimum security prisoners and this is reflected in the high number of minimum security prisoners currently at Albany and the fact that many minimum security prisoners from the Great Southern area are being held in other Western Australian prisons.
- 1.42 Albany's need for appropriate minimum security facilities remains pertinent. Failure to provide adequate facilities contravenes the Australian Correctional Standards' requirement that prisoners should be held in the lowest possible security facility matching their circumstances.⁴³ It also prevents the prison from fulfilling its throughcare role because it is unable to progress minimum security prisoners locally.

35 OICS, *The Management of Offenders in Custody in Western Australia*, Report No. 30 (November 2005); OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006).

36 Pardelup was officially upgraded to prison farm status in February 2010.

37 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009).

38 DCS, Albany Regional Prison, *Commonwealth Royalties for Regions Business Case Proposal for a Minimum Security Prison adjacent to Albany Regional Prison* (17 December 2010).

39 Ibid.

40 See, *National Report of the Royal Commission into Aboriginal Deaths in Custody*, Canberra: Australian Government Publishing Service, 1991, Recommendation 168.

41 Holding minimum security prisoners in appropriate facilities would also reduce costs as, other factors being equal, maximum security facilities are generally more expensive to run.

42 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009), Department's Response to the 2008 recommendations.

43 Australian Government, *Standard Guidelines for Corrections in Australia*, Revised (2004) Standard 1.37.

- 1.43 The lack of appropriate minimum security facilities is detrimental to the prospects of Noongar minimum security prisoners from the prison's Great Southern catchment area. The Inspectorate therefore welcomes the Department's plans for a work camp at Gnowangerup.⁴⁴ This report discusses these plans in chapter four below.⁴⁵

RESOURCING FOR CAPACITY AND DIVERSITY?

- 1.44 Albany's operational budget had increased since the last inspection from \$15,104,450 allocated in 2009–2010 to \$18,185,853 allocated in 2010–2011.⁴⁶ The allocated budget for 2011–12 has remained close to the 2010–2011 rate, at \$18,473,311. However, budget increases do not mean that the prison is funded for its planned design capacity and the performance of its functions. To be able to operate all four accommodation units and therefore alleviate overcrowding, the prison will need to be resourced adequately.⁴⁷
- 1.45 As indicated above, prison infrastructure does not currently match the increased population. However, at the current population maximum of 310 prisoners, the expanded accommodation allowed by the new unit provides an important opportunity. Utilising all four accommodation units will enable the prison to appropriately manage prisoner diversity and better fulfil its roles including hierarchical management (see table below).⁴⁸

| | Unit 1 | Unit 2 | Unit 3 | Unit 4 |
|----------------------|--|--|---|------------------------------------|
| 2011 Numbers | 112 | 108 | 90 | Not operational |
| 2011 Purposes | Mixed standard use in shared cells and privileged accommodation in D wing single cells Protection prisoners in C Yard | Mixed standard use in shared cells | Privileged semi-self care with one single-celled and one double-bunked wing | Not operational |
| 2012 Numbers | 106 | 80 | 60 | 64 |
| 2012 Purposes | Mixed standard use in shared cells Protection prisoners in D Yard | Mixed standard use in shared and single cells Possible Drug Free Unit | Privileged single-celled self care Possible Drug Free Unit | Privileged single-celled self care |

44 DCS, *Capital Works Business Case, Gnowangerup Work Camp and Prison Farm* (2011).

45 See 4.26–4.29 and Recommendation 5.

46 The prison budget expenditure improved over that period from a debit of \$1,843,598 to a credit of \$223,298.

47 Data retrieved on 13 February 2012. The Union seeks an additional four custodial officers and one senior officer.

48 Data derived from interview with Albany senior management (23 February 2012). The 2011 figures indicate the facilities available prior to the opening of Unit Four and the 2012 figures show the facilities after it opens.

- 1.46 In the prison's plans to use all four units, the prison would have at least two single-celled units and 134 single cells in all – a substantial increase over the current privileged accommodation. As the above table indicates, the advantage provided by the new unit's 64 cells includes less crowded conditions in Units Two and Three, and use of the accommodation in ways that more closely meets design and prison role requirements.
- 1.47 The planned additional space would enhance the prison's ability to progress prisoners towards the more privileged accommodation, in accordance with their record of behaviour. This includes improved progression of Aboriginal prisoners and minimum security prisoners (including Indonesian prisoners) to better accommodation. Expanded capacity also enables greater ability to accommodate prisoners who normally reside in the Great Southern region. The expanded capacity would also provide sufficient space for the prison to run a dedicated Drug Free Unit, and two units would be entirely single-celled. The prison's plans do not, however, provide for adequate reduction of overcrowding in Unit One, which still needs replacement.

Recommendation 2

Operate all four accommodation units with sufficient staffing and resources to meet the prison's complex mix of functions.

Chapter 2

STAFFING SUCCESSES AND ISSUES

MANAGING THE 'ALBANY WAY'

- 2.1 The 2008 inspection commended Albany's management of staff and prisoners and the strong and innovative leadership at Albany has continued to the current inspection. The prison is fortunate to have had such strong strategic direction and operation management. The partnership with the broader senior management team has enabled the prison to continue to provide a high quality custodial service despite the problems caused by population pressures and inadequate resourcing in the period since the last inspection.
- 2.2 Albany management's successful provision of secure and dignified care of prisoners has become known as 'the Albany Way'. The 'Albany Way' is generally an example of good departmental policies being put into practice. They include the mutual respect enjoyed by prisoners and staff; that high-risk prisoners are being successfully resocialised; that the prison facilitates or initiates innovative practices such as the Corroboree project, Skype social visits and prisoner peer mentoring; that the Aboriginal Visitors Scheme (AVS) at Albany has been nominated for a departmental award; that the key re-entry service provider presented the prison with an award for community service; that the workers compensation leave levels are very low at a time of overwork and stress; that the diverse prisoner groups generally get along well despite structurally inequitable and inadequate resources and conditions; and that security is well maintained in a maximum security facility using its space on an open-campus basis.
- 2.3 The 'Albany Way' has produced successful outcomes in specialised areas. The function of managing prisoners sent from other prisons because they have become unmanageable is based on this success. Several other Western Australian prisons have experienced similar levels of overcrowding in the context of dilapidated infrastructure and insufficient services,⁴⁹ but the high level of positive morale and staff and prisoner interaction seen at Albany is exceptional.⁵⁰
- 2.4 The components of the prison's philosophy have remained stable over time. In the 2006 inspection report, the Inspectorate described the 'Albany Way' as a combination of 'good management, a willingness to work together and the adoption of quality custodial practice'.⁵¹ The 'Albany Way' may best be described as a community-based commitment to rehabilitative throughcare.⁵² The prison sees itself as part of the community providing a commitment to care and security that begins at reception and continues into planning and preparation for release and post-release support. This approach involves well-targeted and integrated rehabilitation services that are heavily dependent on community involvement. Key stakeholders including employers and service providers view the prison as an integral part of the community. An award for community service given by the Regional Counselling and Mentoring Service is displayed in the Superintendent's office. Aboriginal community links are particularly strong, in part because of the good relations between the AVS staff and management.

49 See OICS, *Report of an Announced Inspection of Eastern Goldfields Regional Prison*, Report No. 72 (June 2011); OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011).

50 See, for example, OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011).

51 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006).

52 In 2002 the Inspectorate noted that the prison 'has been allowed to develop as a prison in a way that reflects the style of the community in the region it is located': OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002).

- 2.5 Staff and prisoners are encouraged to see themselves as part of a community and to act on the basis of community spirit. For example, the Satellite Trainer provides training for Albany Community Youth Justice Services, and provides assistance to the Agriculture Department, Albany police, and the Department of Education and Conservation. These kinds of staff activities provide good examples for prisoners. Prisoners have also been encouraged to pursue community spirited activities such as mentoring, the prison newspaper, the Prison Forum⁵³ and peer support. The prison also provides culturally appropriate services such as Muslim prayer meetings and a cultural reclamation project for Noongar prisoners. These kinds of activities involving prisoners are designed to encourage self-responsibility, and therefore aid rehabilitation and reduced recidivism.

STAFF VIEWS ON LOCAL AND DEPARTMENTAL MANAGEMENT

- 2.6 Staff views of local management were generally positive, but slightly down on the views given in 2008. Fifty-eight per cent of staff reported a good relationship with local management, compared with 60 per cent in 2008. Forty-two per cent of staff ranked support from local management as good, compared to 50 in 2008. On the other hand, only 24 per cent of staff reported a good relationship with head office. Just 18 per cent of staff ranked support from head office as good, compared to 30 per cent in 2008; only 14 per cent of staff reported they had good clarity of direction from head office compared with 40 in 2008; further only 16 per cent of staff said they had good communication from head office.
- 2.7 These survey results reflect the views encountered by the inspection team in staff interviews. Disenchantment with local management and disappointment in departmental management are interrelated, but not substantially similar. As this section explains below, the root causes of staff dissatisfaction appear to be conflicting directions given by head office and financial pressure to deliver a 'balanced budget'. Local management has thus been restricted from delivering its own well-developed strategic direction for the prison.
- 2.8 Custodial staff stated that local management is good, and that the Superintendent and Assistant Superintendent Prison Management form a good partnership. There was general consensus that the Superintendent is accessible and listens to staff. There was also a consensus that other management staff would be able to follow through if the Superintendents were away.
- 2.9 The inspection team encountered a frequently expressed fear that the 'Albany Way' was in danger of being 'mainstreamed'. Senior officers expressed a fear of the loss of prison management's relative autonomy and the direction that gives the prison its particular qualities. While supportive of the Department's necessary focus on continuous improvement, officers feared that over-generalised systemic changes were being imposed. There was also a view that departmental management could be very punitive towards prison staff. It was felt that the 'no blame' culture had been lost, and that head office officials do not understand Albany's needs because they do not often visit the prison.

53 The Prison Forum is a prisoner representative body that meets once a month with Albany senior management and other staff.

STAFFING SUCCESSES AND ISSUES

- 2.10 Amongst critical staff views, the inspection team heard that officers were being asked to do too much with too little; they felt overburdened and under-resourced. Other than the sheer volume of the work, some officers were upset at the direction their work was taking. Staff felt they were being asked to perform as ‘welfare officers’ for prisoners when they were not empowered to do basic custodial tasks adequately. In the view of one officer, they were being treated as ‘second class prisoners’.
- 2.11 A key example was the management of prisoner requests, including the ‘I want parade’. Prisoners are allocated an hour between unlock and the start of work to bring requests to the unit-based officers to process. Because of the heavy demand for assistance, there was a division between the officers who followed procedure by conducting requests within the parade time and officers who allowed prisoners to continue to bring requests throughout the day. The former group were not just critical of the latter group for failing to follow procedures, but also of a perceived overly liberal management regime that appeared to encourage a culture of grievances.
- 2.12 Some staff felt that what they perceived as the prison’s excessively liberal regime was placing pressure on the core duty workload. One officer gave an example of a morning in Unit Two when officers were required to perform 118 prisoner movements (excluding the core movements scheduled for the morning), such as taking people to their places of work and education.
- 2.13 These criticisms are indicative of key problems faced by local management in maintaining and developing the ‘Albany Way’, including the adoption of positive developments from head office. Such positive developments are hindered by overpopulation and under-resourcing, and large-scale changes to the staffing through a large new officer intake. These pressures exacerbate tensions around the culture of prison services. Under these conditions, some staff would like to see prison services revert to a more purely custodial role. This tendency is at odds with the philosophy of prison management at Albany. As noted above, the basis of the ‘Albany Way’ is community spirit. It would be helpful if the prison’s philosophy was clearly expressed and disseminated, and its adoption by staff monitored.

PRISON STAFFING

- 2.14 OICS standard 141 states that ‘the number and mix of staff should adequately meet the needs of the prison and the prison population’. Despite a staff increase since the previous inspection, that standard is under threat at Albany.

| Staffing | 2009/10 | 2010/11 |
|----------|---------|---------|
| FTE | 144 | 187 |

STAFFING SUCCESSES AND ISSUES

- 2.15 At the time of the inspection Albany's staff included 16 administration staff, two principal officers, 19 senior officers, 100 officers, 18 First Class Officers, and 29 vocational support officers (VSOs). An Assistant Superintendent Prison Services position has been funded, and the Senior Community Corrections Officer is co-located in the prison and community. The prison has experienced a significant intake of new staff (50, including 41 officers in two training schools last year) and this has had an effect on prisoners' perceptions of a change from the laid-back atmosphere that Albany has traditionally enjoyed, and of inconsistency in the application of rules.
- 2.16 The management team is hoping that the eventual outcome of the 2011 staffing review will aid Albany in providing more staff. At present, the staffing review suggests that the prison might lose up to six FTE positions. Senior management believes that the calculation basis of the review was inadequate and is resisting the proposed reductions. There is a perception that negotiations may still be ongoing throughout 2012.
- 2.17 Too many managers are in acting rather than substantive positions. During this inspection only the Superintendent and Human Resources Manager were substantive. The problem is not just the current instability of having managers in acting positions, but that the instability has been perpetuated over a lengthy period.
- 2.18 The Inspectorate was told that there was a need for more staff mentoring. This was in response to anxieties surrounding the number of staff in senior acting positions who may have benefitted from mentoring as a means of bridging the gaps caused by inexperience.
- 2.19 Albany has a good record in respect of workers compensation, with only one staff member on workers compensation leave at the time of the inspection. The prison has endeavoured to create a flexible working roster for female staff returning from maternity leave in line with their aim of finding workable solutions for staff.

STAFF TRAINING

- 2.20 The Inspectorate's Standard 142 requires that 'staff must be adequately trained to ensure the highest standards of professional competence, integrity and honesty in the performance of their assigned duties'. Despite much good work, for reasons beyond its control, the prison's ability to meet this standard has been hampered. While the satellite trainer delivers a good service, this work is limited by overtime restrictions which create scheduling problems. Consequentially, there are training deficits in many areas including training in first aid, CPR, use of breathing apparatus, mental health and language (especially Bahasa).

Staffing and Resources

- 2.21 Training staff at Albany include the satellite trainer and the use of other suitably-qualified staff acting as prison-based trainers when required (for example, for CPR and breathing apparatus training). Staff can also apply to attend training at the academy in Perth, or elsewhere as appropriate.

- 2.22 The satellite trainer enjoys good line management from the academy and from local prison management. The satellite trainer is not a permanent substantive position: the position is readvertised every three years.⁵⁴ Although this process gives the Department some degree of quality control, it appears inequitable when compared with other departmental senior positions where substantive status is permanent.
- 2.23 There is a strong culture of learning amongst staff, and enthusiasm for training and mentoring was evident during the inspection. Staff were keen to provide training where qualified to do so. The inspection team was told that interaction between staff is positive in training sessions, and that staff were strongly appreciative of the work of the satellite trainer.
- 2.24 The satellite trainer operates out of a standalone classroom and office outside the perimeter fence. The standalone facilities were provided for the two entry-level training program courses instituted in 2010 for an intake of 40 new staff. Previously the trainer worked out of a small office in the prison's administration building and lacked storage space for equipment. The new facility has enabled better training organisation and administration.

Training Provision and Needs

- 2.25 The range of training required at Albany is broad, in part because of the particular demographics of the prison population. Ethnicity, criminogenic needs, and overcrowding are relevant factors influencing training at Albany. The large proportion of Aboriginal and Indonesian prisoners indicates a need for particular skills and competencies amongst custodial staff. The high prevalence of mental health disorders among prisoners is perhaps the most important pathological factor. When combined with overcrowding, underemployment and the mix of different ethnicities the importance of training in culturally appropriate mental health courses, language courses, and courses designed to enable staff to effectively deal with aggressive 'clients' becomes apparent. Training needs at Albany are also broad because they include security-specific training for the Albany Security Unit such as the use of tasers for cell extractions and live and static firearms training.
- 2.26 The increasing prison population since the last inspection has required a larger prison staff and training of large numbers of new officers. Two schools of recruits were given entry-level training in 2009–2010, and the schools produced 41 new staff who are now working at Albany. Officers told the inspection team that the new staff intake has been well integrated and has shown commitment to the prison and community. This is in part due to the high quality of the training and in part to the fact that the schools were run locally.

54 Information confirmed with DCS academy management on 6 February 2012.

Training Limitations

- 2.27 Departmental management is aware of significant training shortfalls at Albany,⁵⁵ despite its requirement that Albany should provide *comprehensive* staff training. However, the Department's management of budgetary constraints has meant that the requirement has been made without ensuring sufficient resourcing, particularly in terms of staffing levels and associated costs.⁵⁶
- 2.28 Like all custodial trainers, the trainer at Albany has to manage fluctuations in the availability of staff for training schedules. Unfortunately, the trainer is not presently able to access staff on a sufficient basis because of staffing and overtime limitations. These limitations are acknowledged in the prison's business plan for 2010–2011, which states that 'due to overtime constraints some applications are not supported' and continues to explain that 'overtime constraints have reduced this to minimal attendance'.⁵⁷
- 2.29 Staff consistently informed the inspection team that there was a significant shortfall in the refreshing of necessary qualifications including Senior First Aid certificates and breathing apparatus training. The Inspectorate's examination of Department documentation indicates some support for this view. For example, at the time of writing 16 per cent of staff who have had breathing apparatus training are currently 'out of qualification'.⁵⁸ Other significant shortfalls occur in the security area (and particularly in the Albany Security Unit),⁵⁹ where the prison struggles to keep its staff qualified in live firearm and taser training, as well as riot and entrapment training. Shortfalls in necessary qualification refreshments represent unacceptable risks in terms of health and safety and security.
- 2.30 During the inspection there was a general perception amongst staff that applications for academy training will not be successful. Some officers reported that they no longer look at the academy website for upcoming courses as they do not believe their applications will be successful. The inspectorate examined the records of application made to the academy during the previous 24 months.⁶⁰ Of 98 applications, only 43 (47%) were successful.⁶¹ Staff requests to attend training included core areas of staff responsibility.

55 DCS, *Operational Compliance Follow-up Review of Albany Regional Prison* (2010) 8–9. The prison had failed to meet the minimum requirement of 60% of legislative, policy and standing order/local order compliance.

56 The Inspectorate was told that Department senior management also fails to understand the difference between nominal and real training needs, often requiring 100% attendance on courses when the staff being trained are not all suitable for the training, as some will not practice the skills the training facilitates.

57 DCS, Adult Custodial Division, *Albany Regional Prison, Annual Business Plan 2010–2011* (2010) 20.

58 DCS, List of breathing apparatus qualified staff with dates of qualification and expiry (2011).

59 Albany has the state's only standalone security unit.

60 DCS, list of 2009–2011 Albany staff training applications and decisions (2011).

61 Ibid. It is noted that one application was withdrawn. The prison informed the Inspectorate that the figure for rejections is based on the prison's interpretation of data provided by the academy. This figure includes those listed as being recommended by the prison for participation in a course.

- 2.31 If we were to apply the Department's own operational compliance model evaluation to academy provision of staff training for Albany staff, we would find that only 'custody and containment' applications appear to pass the acceptable threshold level of 60 per cent.⁶² But closer examination weakens even this provisionally positive note, for Albany staff were only approved for one of the five courses they applied for in this category. Important omissions included Aboriginal and Torres Strait Islander Mental Health training, Gatekeepers suicide prevention training, and the Aboriginal Leadership program training.
- 2.32 It was noted above that ethnicity and criminogenic needs are important factors in staff training needs at Albany. A positive example exists in the high number of staff who have applied for and received Mental Health First Aid Training. This reflects the high number of prisoners with mental health issues. However, if one considers that a significant proportion of the prison population is Aboriginal and that mental health issues are prevalent throughout the prison population then it is equally disappointing that the numbers of staff that have applied for or been approved for Aboriginal and Torres Strait Islander Mental Health training is negligible.
- 2.33 The prison suffers from an inability to utilise sufficient interpretation and translation services when engaging with the Indonesian prisoner population. This presents unacceptable risks in terms of security, care and wellbeing, health and safety. The prison has a number of staff members who are willing to undergo language training and should facilitate them to do so.⁶³
- 2.34 Academy training for VSOs is provided on the same basis and under the same operational constraints as for other staff. Of the 98 applications for 2009–2011, only three were made by VSOs. While this does not include applications for trade-specific training such as TAFE courses, it suggests a significant 'disconnect' between VSOs and the training process.

Recommendation 3

Ensure the consistent provision of all mandatory staff training. In addition provide language and cultural awareness training, and First Aid Mental Health Training for Aboriginals and Torres Strait Islanders.

62 DCS, *Operational Compliance Follow-up Review of Albany Regional Prison* (2010) 9. The compliance model describes as category 'red' a failure to meet at least 60% of legislative, policy, and standing/local orders compliance tests).

63 The Inspectorate was told some staff members had been rejected for support to attend language classes in their own time.

Chapter 3

SECURITY AND SAFETY

- 3.1 A safe prison environment is more than just the sum of the essential policies, procedures and processes employed to ensure the prison remains secure; it depends on maintaining and fostering respectful relationships among everyone in the prison. This chapter explores the practical elements of maintaining a safe environment in the context of security processes and infrastructure, as well as the human elements that combine to make a custodial facility safe or unsafe.

Staffing

- 3.2 Staffing specifically dedicated to the implementation of security and safety arrangements at Albany consist of a Security Manager, a Senior Officer Security, the Albany Security Unit Manager, a Prison Prosecutor, and a Canine Manager. Other than the prosecutions position, which is a new and valued addition, security-specific staffing has not increased since the last inspection. The effectiveness of the security team is complemented by an Intelligence Coordinator. Reporting requirements relating to collection and analysis of intelligence have increased, as has the requirement to provide better quality reports. In this regard the provision of a dedicated intelligence coordination role at the prison has been advantageous.
- 3.3 Security at the prison also includes the Albany Security Unit (ASU), the state's only stand-alone security unit. The ASU Manager leads a team of 18 custodial staff who rotate into and out of the ASU. The ASU responsibilities include armed perimeter security, high security escorts, and cell extractions (including taser use).

HEALTHY RELATIONSHIPS BETWEEN STAFF AND PRISONERS⁶⁴

- 3.4 Dynamic security is reliant on regular positive interaction between prisoners and prison officers, which enables awareness of potential conflicts and thereby strengthens incident prevention. Constructive interaction will also improve the experience of imprisonment for prisoners and provide a positive atmosphere and pro-social modelling. Information gathered through positive interactions, trust developed from respectful relationships and the deterrent value of the presence of staff all contribute to safety and rehabilitation.
- 3.5 Albany traditionally performs well in terms of dynamic security and its ability to provide a safe environment for prisoners. During this inspection staff were generally found to be active within units and in common areas with prisoners and highly visible outside of the unit offices. In the inspection survey staff rated 'peers' and knowledge of and interaction with prisoners as the most important factors in their feelings of safety (both were rated at 98%).⁶⁵ Correspondingly, there were relatively low levels of aggravated prison charges for violent incidents. In addition, the performance of intelligence gathering improved dramatically, rising from a perceived staff success rate of 28 per cent in 2008 to 70 per cent in 2011.⁶⁶

64 The Inspectorate's standards state that dynamic security is 'arguably the most important element of an effective, humane and safe custodial environment': OICS, *Code of Inspection Standards for Adult Custodial Services* (April 2007) 23.

65 OICS, Staff pre-inspection survey results.

66 Ibid.

-
-
- 3.6 Since the last inspection a number of factors have impacted on the operational environment of the prison. Significantly, the prisoner population has risen considerably and the traditionally stable long-term nature of the staffing group has changed to include more new prison officers as well as officers transferred from security facilities elsewhere in the state. It is surprisingly positive that these have not impacted negatively on the provision of dynamic security.
- 3.7 The prisoner survey revealed that prisoners felt safer at Albany than they had at the time of the last inspection, with 86 per cent of respondents stating they felt mostly safe during their time at the prison.⁶⁷ This was a substantial increase from the 2008 result, where only 44 per cent reported feeling mostly safe. Staff survey results also showed substantial improvement in this area since the last inspection. While only 50 per cent of staff felt that they nearly always or mostly felt safe in 2008, this perception of safety had increased to 97 per cent in 2011.⁶⁸
- 3.8 The prison also achieved a significant improvement in attitudes to prisoners with staff feeling that prisoners will respond with decency to decent treatment improved from 11 per cent positive in 2008 to 88 per cent in 2011. Similarly, the view that most prisoners can be rehabilitated increased from 17 per cent in 2008 to 81 per cent in 2011, and the view that there are times when it is important to have compassion for prisoners increased from 66 per cent positive in 2008 to 88 per cent in 2011. Finally, the view that assisting prisoners is the most satisfying aspect of the job increased from 33 per cent in 2008 to 82 per cent in 2011, and was ranked highest amongst the most satisfying things about working at Albany.⁶⁹
- 3.9 Prisoners also indicated a significant change in attitude to staff. The view that prisoner relations with unit officers are ‘mostly good’ increased from 65 per cent positive in 2008 to 82 per cent in 2011; the view that prison officers take care when using force increased from 56 per cent in 2008 to 75 per cent in 2011; and the view that prison officers treat prisoners with dignity increased from 26 per cent positive in 2008 to 66 per cent in 2011.⁷⁰ Both the prisoner and staff survey views expressed here indicate that good communication built on relations of respect have contributed to enhanced dynamic security.
- 3.10 Perceptions of safety are borne out by low levels of serious incidents. Only 14 reported assaults were reported at Albany during 2011. However, there was difference in the incident rates occurring in different accommodation units, with significantly more incidents occurring in Unit One than in the other units. There were three recorded incidents of fighting between Indonesian and Aboriginal prisoners over the year, two of which involved sport, and the Inspectorate was told of a further incident during a soccer match shortly before the inspection started.⁷¹ There is also an ongoing concern about prisoner bullying that Albany has sought to address through its anti-bullying strategy. In general, incidents of prisoner aggression against other prisoners were dealt with through a mediation process with local penalties imposed, such as loss of privileges and confinement.

67 OICS, Prisoner pre-inspection survey results.

68 OICS, Staff pre-inspection survey results.

69 Ibid.

70 OICS, Prisoner pre-inspection survey results.

71 See also 4.16, 4.88–4.89.

-
-
- 3.11 The incidents data also shows that there were 31 alcohol brewing incidents during the year, many of which were discovered in Unit One. Other prevalent events included 20 incidents of threatening behaviour and language, 17 of abusive behaviour, and 11 of damage to property.
- 3.12 The inspection team's observations within the units and during recreation time reinforced the impression of a good level of interaction between staff and prisoners. Prisoners interviewed during the inspection relayed experiences of receiving help when making inquiries and during the 'I want parade' time for an hour each morning.
- 3.13 Albany staff are proud of their record of safe and effective management of 'protection' category prisoners; however, as noted in the infrastructure section above, the inadequate facilities cause management problems including the need to lock protection prisoners in their cells when escorting management prisoners through the unit.

Developments in Procedural Security

- 3.14 Over the past three years the Department's Security Directorate has sought to coordinate and give consistency to security procedures across prisons in Western Australia. This statewide security strategy has resulted in a renewed focus on procedural security. The inspection found a significant improvement in staff perceptions that the prison had good, clear security procedures, from 35 per cent in 2008 to 55 per cent in 2011.⁷² However, there was a decline in the proportion of staff who felt that the prison was able to ensure staff follow those security procedures, from 57 per cent in 2008 to 33 per cent in 2011.⁷³ This drop possibly indicates the difficulty of 'bedding in' a large number of new custodial staff since the last inspection (approximately 50 since 2008).⁷⁴ The main areas of procedural security change highlighted by security management staff during the inspection were greater accountability and documentation.
- 3.15 Some of the improvements in security at Albany have been infrastructural. These include the secure storeroom built for breathing apparatus gear; replacement of old security fences surrounding accommodation units with new climb-resistant fencing; increased security control for administration and the education and medical centres through the provision of fences and gates between the gardens and Unit Two, and between Units One and Two; building of new urine testing room in E-section of Unit One; fencing of stores and gardens areas; and new security grills in workshops to restrict movements.⁷⁵
- 3.16 The perimeter fence and gatehouse infrastructure and procedures have been subject to improvement since the previous inspection at Albany and have been evaluated within the Department's own operational compliance process. The Inspectorate sought and received confirmation that the following strengths in these areas were continuing: adequate maintenance and testing of perimeter security including physical and electronic systems; 24-hour gatehouse manning; efficient identification checking system including documentation; effective procedures for challenging loitering or other unusual behaviour in proximity to prison grounds; clear marking of the prison perimeter; adequate vehicle searching and

72 OICS, Staff pre-inspection survey results.

73 Ibid.

74 DCS, *Albany Regional Prison Superintendent's Inspection Briefing Notes* (21 November 2011).

75 Ibid.

documentation; effective electronic key watch system including documentation; adequate and well-equipped search area in the gatehouse with effective documentation process; and regular random searching of staff.⁷⁶

Drugs and Alcohol

- 3.17 The prison's 2011 Local Drug Strategy sets out policies to minimise illicit drugs entering the prison through supply and demand reduction while also setting out policies and procedures designed to lessen the harms associated with drug use. Staff are being educated in its implementation. Provisions for reducing demand and minimising harm which have links to departments within the prison (including health services) consist of a detoxification program; an opiate replacement therapy program; a maintenance Suboxone program; a Pathways offender treatment program; a range of internal and external support and counselling; the mandatory (externally sourced) HIP-HOP program; a hepatitis B vaccination program for prison-based staff; and condom provision. If withdrawal needs to be managed, prisoners are offered prescription drugs and counselling. If opiate abuse was a pre-existing condition the prisoner may be eligible for the methadone program in concert with education and counselling.
- 3.18 In the pre-inspection staff survey, only 29 per cent of staff thought the prison was successful in preventing entry of contraband. Alcohol was perceived as a significant problem because its use leads to more aggressive behaviour and increases tensions in the prison. However, the Inspectorate notes that no serious incidents had occurred due to drug and alcohol use in the 8-month period leading up to the inspection.⁷⁷
- 3.19 Accompanying the drug strategy is the new search strategy which sets out policies and procedures for the searching of prisoners, vehicles, visitors and all areas of the prison. In terms of supply reduction, proactive security strategies include random selection of two social visitors per visit session. In addition, targeted searches are conducted based on intelligence received. Three staff per day are also randomly selected for pat searching. Each month targeted cell searches and drug and alcohol testing occurs. Results between February and October 2011 revealed generally low levels of illicit substance use.⁷⁸
- 3.20 The prison follows policies on drugs and alcohol and searches. Staff perform regular targeted and random drug testing on prisoners, using the newly built urine sample room in E -section. The prison searches of cells, staff and visitors normally exceed the required percentage. Security staff stated that most drugs arrive in Albany via visits. The prison has successfully maintained dignity in searches; security does not engage in repetitive targeting of visitors with previous histories of offences and strip searches are evidenced and documented.

76 DCS, *Operational Compliance Follow-up Review of Albany Regional Prison* (2010).

77 TOMS records 36 incidents of brewing and two incidents of a positive alcohol breath-test during the period 1 January to 6 September 2011.

78 Spreadsheet records provided by the Security Manager at the time of the inspection.

- 3.21 Albany seeks to have a preventative approach to drugs and alcohol use. A training pack using video footage of drug events is provided for staff. The preventative approach involves cooperation with other staff groups; for example, the methadone nurse provides information to security (about potential user groups, and their social links) where they have the prisoner's informed consent. This might be relevant, for example, where a prisoner has family members who the prison has banned from visits.
- 3.22 Most prisons have a passive alert detection dog (PADD). The PADD is used for visits, regular random searches within the prisons and in targeted operations for illicit substances. The prison only has access to its PADD on some days of the week, and may benefit from greater availability.

DISCIPLINARY MEASURES

- 3.23 The Inspectorate's Standards state that prisons 'should deal with the discipline of prisoners openly, expeditiously and fairly within a disciplinary code established under legislation'. Any punishment should be 'commensurate with the offence or rule breach' and 'use of solitary confinement or segregation must be strictly regulated'.⁷⁹ The inspection team found that Albany's processes for charging, prosecuting and sentencing prisoners involved in internal breaches of prison regulations were appropriate.
- 3.24 Officers issue loss of privileges (LOPs) for less-serious breaches of prison regulations. LOPs can include loss of an electrical item, loss of contact visits or confiscation of personal property. The incident reports for recent LOP incidents at Albany indicate that the penalty imposed appeared appropriate for the infringement documented.
- 3.25 Albany's management and hearing of charges deserves mention. Charges appeared to be processed in a timely manner and prisoners were being provided with the appropriate information prior to the hearings. The hearing of the more-serious charges (under the *Prisons Act 1981* (WA) s 70) was also found to be well managed. The prison's Visiting Justices brought some medical knowledge to the hearings which enhanced their understanding of some charges and the circumstances surrounding the incidents alleged.

COMPLAINTS AND COMMUNICATION

- 3.26 The pre-inspection staff survey suggested that there had been significant improvement in the management of prisoner issues. In 2008, 76 per cent of staff thought that a legitimate prisoner need would be effectively addressed at the unit or officer level; by 2011 that figure had increased to 98 per cent. However, the pre-inspection prisoner survey indicated there had been a reduction (from an already low level) in the proportion of prisoners who would turn to a unit officer for help to resolve an issue, from 32 per cent in 2008 to 27 per cent in 2011.
- 3.27 This inspection found that the 'I want parade' process maintained its effectiveness in the experience of prisoners. Albany's 'I want parade' assists in prisoner management and had the added benefit of increasing prisoner/staff interaction and therefore dynamic security.

79 OICS, *Code of Inspection Standards for Adult Custodial Services* (April 2007) Standards 55 and 56, 35–36.

- 3.28 Prisoners are making more use of grievances as a form of complaint. Prisoner grievances recorded on TOMS increased from 88 in 2009–2010 to 140 in 2010–2011, an increase of approximately 59 per cent.⁸⁰ While the number of grievances has increased, this increase roughly corresponds to the increase in the prison population (approximately 50 per cent since the previous inspection in November 2008).
- 3.29 In 2008, 83 per cent of staff surveyed thought that a legitimate need would be effectively addressed if raised as a grievance; by 2011 that figure had increased to 94 per cent.⁸¹ All other avenues for assistance (prisoner support officer, peer support, management, AVS, external agencies, independent visitors and Access) received lower scores.⁸²

EMERGENCY MANAGEMENT

- 3.30 Albany has developed a comprehensive set of local emergency procedures, reflecting the requirements of the strategic procedures produced by DCS at a management level through its 'Emergency Management Framework' documentation.⁸³ The prison has an emergency procedure guide that is a useful tool for staff. Exercises run at the prison had been documented, staff had been debriefed, weaknesses had been identified and action plans to resolve problems had been made.⁸⁴
- 3.31 Albany has conducted twice the required number of exercises in the past 12 months, most of which were 'live'. Nine of 12 exercises conducted were active scenario-based exercises. Exercises conducted included training for fires in various buildings, medical emergencies and escapes. The prison was well prepared for the bush fire that threatened Albany and the prison last year, with emergency evacuation points on standby for prisoners. Training is also provided to staff on general emergency response procedures and skills including mechanical restraints, baton use and use of breathing apparatus. As discussed earlier, there were concerns about the sufficiency of refresher training in breathing apparatus, hostage retrieval and emergency response for loss of control situations.⁸⁵
- 3.32 Fifty-four per cent of staff in the pre-inspection survey indicated that they had adequate training in emergency response (fire, natural disaster) but only 40 per cent thought they had adequate training for a loss of control incident, a figure that was significantly worse than the 69 per cent given in 2008.⁸⁶ The ability of staff to manage a hostage situation is also compromised by the lack of training for such situations.⁸⁷ It is suggested that the prison, with support from the Department, seek professional guidance about how to best proceed with appropriate exercises in the near future to ensure all staff can be more confident in their response should such events occur.

80 TOMS, Grievances by Category – Facility, Albany Regional Prison, data accessed 1 November 2011.

81 OICS, Pre-inspection Staff Survey results report.

82 OICS, Pre-inspection Prisoner Survey results report.

83 DCS, Policy Directive 72 'Emergency Management – Superintendent's Responsibilities and Exercise Management', section 5.1.

84 See DCS, Albany Regional Prison, Emergency Exercises for 2011.

85 OICS, Pre-inspection Staff Survey results report. See also 2.29.

86 Ibid.

87 DCS, Albany Regional Prison, Emergency Exercises for 2011. The schedule records that hostage, evacuation, riot control, death in custody, and bomb threat emergency training was not scheduled for 2011.

Chapter 4

EQUALITY AMONGST PRISONER GROUPS

- 4.1 This chapter examines the management of substantive equality for the different prisoner groups at Albany. The guiding principle for good management is recognition of the needs of diverse groups and individuals within an overall aim of achieving equality.⁸⁸ The chapter therefore discusses groups categorised according to diversity and particular needs and risks.
- 4.2 The chapter focuses on the most evident groups at Albany – in the overlapping categories of ethnicity and nationality.⁸⁹ At Albany the largest ethnic groups are Aboriginal Australians, non-Aboriginal Australians and Indonesians. The largest national groups are Aboriginal and non-Aboriginal Australians, and foreign national prisoners (including Indonesians).
- 4.3 Given Albany’s particular role in the care of protection prisoners and long-term prisoners, this chapter also briefly addresses the equality of the treatment of these groups. The chapter begins by outlining the policy frameworks for the equitable management of the prison’s diverse population.

POLICY FRAMEWORKS GUIDING THE EQUITABLE MANAGEMENT OF PRISONER GROUPS.

- 4.4 The Western Australian public service is required to meet the needs of Western Australia’s diverse community through a substantive equality service provision model. This is guided by the Equal Opportunity Commission’s 2010 *Policy Framework for Substantive Equality*.⁹⁰ Failure to adhere to the framework engenders risks in terms of potential discrimination challenges under the *Equal Opportunity Act 1984* (WA).
- 4.5 The key element of the Equal Opportunity legislation is recognition of the needs of diverse groups and individuals within an overall aim of achieving equality. This recognition of particular needs is acknowledged both in broader policy frameworks and particular department policies. The Department’s *Substantive Equality Policy* (2008) is based on the Equal Opportunity Commission’s policy framework.⁹¹ As well as the *Equal Opportunity Act 1984* (WA), the policy references s 95(5) of the *Prisons Act 1981* (WA) and the *Racial Discrimination Act 1975* (Cth). The policy is based on anti-racist principles and promotes equality amongst ethnic groups and particularly equality for Indigenous prisoners.⁹²
- 4.6 The Department defines substantive equality as being ‘about treating people differently in order to cater for their needs to achieve equal outcomes’.⁹³ As such it takes into account ‘the effects of past discrimination and the differences in needs between groups and individuals to minimise unfair outcomes’.⁹⁴ It recognises that ‘rights, entitlements, opportunities and access are not equally distributed throughout society’, and that ‘equal or the same application

88 Equal Opportunity Commission (WA), Substantive Equality Unit, *Policy Framework for Substantive Equality* (2010).

89 Other categories of prisoner groups where diversity and equality are relevant at Albany include categories of age (because the prison population is aging), gender (as Albany provides a small short-term facility for women); and mental health.

90 Equal Opportunities Commission (WA), Substantive Equality Unit, *Policy Framework for Substantive Equality* (2010).

91 DCS, *Substantive Equality Policy* (2008) [1.1].

92 Other states and territories have policy frameworks that reflect the focus on equitable management of diversity. See, e.g., Queensland Corrective Services, *Healthy Prisons Handbook* (2007); New South Wales Corrective Services, *Equity and Diversity Plan 2011–2014*.

93 DCS, *Substantive Equality Policy* (2008).

94 Ibid.

of rules to unequal groups can have unequal results'.⁹⁵ These guidelines are to be enacted in order to provide service users with 'equitable outcomes regardless of their ethnic or cultural background, gender or personal conditions'.⁹⁶

- 4.7 Albany has previously focussed on ensuring equality of service for all prisoners through the prison's Equal Opportunity Management Committee (EOMC) process. The committee was developed in response to the 2002 inspection report and was described as an example of best practice in the 2006 report.⁹⁷ The committee's purpose was to identify inequities and to inform services planning. The EOMC involved regular updates from ethnic monitoring surveys and analysis of specific issues. A key focus was promotion of Aboriginal prisoners into accommodation within the higher quality units. The EOMC was disbanded in 2008 following the death of the initiating staff member. Since then, the prison has pursued substantive equality through different means, including the Prison's Aboriginal Service Committee (PASC), and the Prison Forum, which is representative of the different groups in the prison.⁹⁸

ABORIGINAL PRISONERS

Policy and Strategic Guidance

- 4.8 In practice, while the philosophy of substantive equality applies to Aboriginal people, the policy and operational framework is separate. Policy guiding the equitable management of Aboriginal offenders has included the *Aboriginal Justice Agreement* and the Department's *Strategic Plan for Aboriginal Services*, and currently includes *Aboriginal Impact Statement and Guidelines*, the developing *Aboriginal Justice Program*, and the Prisons Aboriginal Service Committee (PASC) guide.⁹⁹ External guidance exists in the Inspectorate's *Inspection Standards for Aboriginal Prisoners*.¹⁰⁰ Each of these provides guidance for the culturally appropriate treatment of Aboriginal people, including recognition of the negative consequences of colonialism, ongoing disadvantages and the need to address prison over-representation and high recidivism rates.
- 4.9 Policy guidance on the management of Aboriginal prisoners is particularly important at Albany given the prison's large Aboriginal population. The PASC process currently provides a framework for redressing Aboriginal disadvantage and reducing recidivism.¹⁰¹ This process includes bi-monthly prison reporting, and departmental monitoring and

95 Ibid.

96 Ibid.

97 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002); OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006).

98 See 5.40.

99 Department of the Attorney General Aboriginal Justice Agreement, *Western Australian Aboriginal Justice Agreement: A partnership between Justice-related State Government Agencies and the Aboriginal and Torres Strait Islander Commission* (March 2004); Department of Justice, *Prisons Division Strategic Plan for Aboriginal Services, 2002–2005*; Department of the Attorney General, State Aboriginal Justice Congress 2009, *Western Australian Aboriginal Justice Agreement, State Justice Plan 2009–2014*; DCS, *Aboriginal Impact Statement and Guidelines*, October 2009. The Department has also drafted two provisional policy documents in 2011. These are DCS, *Draft Reconciliation Action Plan*, (2011); DCS, *Operational Philosophy for the Management of Aboriginal People in Contact with Corrective Services*, (October 2011).

100 OICS, *Inspection Standards for Aboriginal Prisoners* (July 2008).

101 Senior departmental staff report that the PASC process has produced mixed results in Western Australian prisons. Best practice includes Bunbury Regional Prison, and Albany Regional Prison.

evaluation of progress. The process is managed from head office, convened at Albany, and reliant on community involvement and external funding for any project work.¹⁰² Within this, the prison is developing a strategic plan for the management of its Aboriginal population. Albany PASC's aim to work towards post-release Aboriginal prisoner employment fits well with the prison's integrated approach to throughcare, but is limited by inadequate infrastructure.

An Aboriginal Prison

- 4.10 There were 103 Aboriginal prisoners accommodated at Albany at the time of the inspection, approximately one third of the prison population and the largest of the ethnic groups.¹⁰³ There are more Aboriginal prisoners at Albany than there are at Eastern Goldfields Regional Prison and Broome Regional Prison, both of which are defined by the Inspectorate as 'Aboriginal' prisons.¹⁰⁴ Arguably, Albany requires the same degree of culturally appropriate management as an 'Aboriginal' prison.
- 4.11 The majority of the Aboriginal prisoners at Albany are Noongar people from the state's south-west, reflecting the prison's Great Southern catchment area. The remainder are displaced Aboriginal persons.¹⁰⁵ While the Department has developed specific strategic plans for several regions requiring culturally appropriate management of Aboriginal prisoners, there is no such plan for Noongar Aboriginal people from the south-west (including Great Southern) region. However, taken together, individual initiatives facilitated by the Department and by prison management are tending towards the development of a service providing Aboriginal-centred region-specific throughcare. This direction is tending to place respect for Aboriginal culture, values and practices at the heart of the institution. These initiatives could be given greater strategic direction; as this report outlines, the prison is also handicapped by infrastructural and resourcing deficits including the lack of appropriate industrial facilities and pathways to a socially and culturally appropriate work camp.¹⁰⁶

102 OICS discussion with DCS Reform Coordinator (18 February 2012). The PASC process was being reviewed at the time of the inspection and may redevelop into a Reconciliation Action Plan (RAP) format. A draft RAP was forwarded to DCS senior management on 6 December 2011.

103 DCS, TOMS. Examination of DCS data for the six months prior to the inspection indicates that this is a reasonably standard proportion of the Albany population, although the numbers have increased from 83 to 103 since the previous inspection.

104 DCS, TOMS, 8 January 2012. For example, on 8 January 2012 there were only 61 Aboriginal men at Eastern Goldfields Regional Prison, but 104 Aboriginal men at Albany. Broome Regional Prison held 89 Aboriginal men on 13 January 2012. Eastern Goldfields, Broome, Greenough and Roebourne Regional Prisons are the four 'Aboriginal Prisons' in the State – prisons where 75 per cent or more of prisoners are Aboriginal.

105 DCS, TOMS (3 October 2011). There were 75 Noongar prisoners (73% of all Aboriginal prisoners), and 28 displaced Aboriginal prisoners (27% of all Aboriginal prisoners).

106 See 4.26–4.29 and Recommendation 5.

Addressing a History of Displacement?

4.12 Inequities in the placement of Aboriginal prisoners across the prison accommodation units have been found in all four Albany inspections since 2002.¹⁰⁷ It should be noted that in 2002 the Department stated that:

an Affirmative Action Plan was implemented at the prison to facilitate the progression of Aboriginal prisoners to higher accommodation levels. The prison is also introducing an equal opportunity monitoring and evaluation system. Together with the Affirmative Action Plan this will better equip the prison to meet this objective.¹⁰⁸

4.13 In the decade since the Department made this statement, insufficient departmental support has been given to Aboriginal prisoner progression. This inspection found a large concentration (43%) of Aboriginal prisoners in the impoverished conditions of Unit One. While this reflects, in part, the prisons facilitation of Aboriginal prisoners' chosen affiliations, the prison's enlarged capacity in 2012 presents an opportunity to maintain affiliations while fostering Aboriginal prisoners' accommodation progression. In this regard it should be recalled that the Inspectorate previously called for 'the development of strategies that assist Aboriginal prisoners to move on to Unit Three in sufficient numbers to allow them to feel comfortable there'.¹⁰⁹ Such an approach would involve a culturally appropriate recognition of the importance and strength of group dynamics for Noongar and other Aboriginal prisoner groups.

4.14 The 2009 Albany inspection report notes that progress to better living units was dependent on being meaningfully employed, and these opportunities were limited for Aboriginal prisoners.¹¹⁰ That inspection found 'little evidence of strategies to actively encourage and support Aboriginal prisoners in starting and retaining work'.¹¹¹ Access to and engagement with meaningful employment remain key issues for the Aboriginal prisoners at Albany.

Severe and Ongoing Underemployment¹¹²

4.15 Aboriginal prisoner underemployment has been a severe and ongoing problem at Albany since 2006 when the Inspectorate found that Aboriginal prisoners were working in less-meaningful roles and receiving lower levels of gratuities than other prisoners.¹¹³ Aboriginal prisoners still lack meaningful employment opportunities, in particular those that attract higher level gratuities. The Inspectorate found that approximately 67 per cent of Aboriginal prisoners were designated to meaningless unit work, miscellaneous tasks or were not working. Non-Aboriginal Australian prisoners were found to be three times

107 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002); OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006); OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009); current inspection, on-site dates November 20–25 2011.

108 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002) DCS Response to Recommendation 1.

109 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 18 (September 2002).

110 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009).

111 Ibid, 6.

112 In 2009, the Inspectorate commented on the under-employment evident across the prison. This refers to prisoners doing work that does not take very long to complete, that does not require any particular skill and that is poorly paid. See OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009).

113 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006).

as likely to be in the best employment (with gratuity levels one and two) than Aboriginal prisoners. Conversely, Aboriginal prisoners were more than twice as likely to be in the worst employment (with gratuity levels five and six).¹¹⁴

- 4.16 The inspection team encountered strong perceptions of discrimination amongst Aboriginal prisoners in regard to unequal access to rewarding employment. Resentment was not, generally, directed towards ‘white Australian prisoners’. Instead, it was based on perceptions that prison management was favouring Indonesian prisoners in terms of jobs. There was significant evidence supporting the perception of inequality in this regard. Without exception, prison employers expressed preference for Indonesian workers over Aboriginal workers, despite the apparent language barriers. They said that the Indonesian prisoners worked harder, faster and with a more committed work ethic than the Aboriginal prisoners. These views were reflected in gratuity awards. Departmental data indicates that 20 per cent of Aboriginal prisoners were employed in the two worst paid categories, compared to seven per cent of Indonesian prisoners.¹¹⁵ More Indonesians were engaged in meaningful constructive activity than Aboriginal prisoners. For example, on 3 October 2011, the number of Indonesian prisoners meaningfully engaged in carpentry, gardens, garments, kitchen, laundry and upholstery work, and in vocational training was more than double that of Aboriginal prisoners.

Overcoming Disengagement

- 4.17 In 2011 the Department observed that:

Aboriginal people are often alienated whilst in prison and this is to a large extent a result of limitations on culturally respectful practices and programs offered in prisons. While the Department of Corrective Services has introduced various measures to improve conditions for the Aboriginal prisoner population, many of these initiatives have been developed in isolation and have not involved Aboriginal people. Consequently, many Aboriginal people continue to feel isolated and disadvantaged in the prison environment.¹¹⁶

- 4.18 During the inspection, both this sense of alienation and evidence of coherent efforts to address it were evident at Albany. Prison managers reported a strong culture of ‘disengagement’ from prison activities amongst some Aboriginal prisoners, particularly younger Noongar prisoners. The prison’s response to this disengagement has been multifaceted, and includes support for peer leadership amongst Aboriginal prisoners, and the development of more constructive cultural and social models. In this regard, for example, one long-term Aboriginal prisoner at Albany has developed a Noongar-specific cultural learning program (the Corroboree Project) which is currently running through the education centre. Prison managers strongly support this program.

114 DCS, TOMS (3 October 2011).

115 Ibid.

116 DCS, *Capital Works Business Case, Gnowangerup Work Camp and Prison Farm* (2011).

- 4.19 Several mentoring schemes have also been developed to assist Aboriginal prisoners in the period since the last inspection, including in the garden, education, vocational skills and metal workshop areas. While success has been dependent on the individuals involved, prison management encourage this empowering practice. A maintenance officer with responsibility for the cleaning, painting and grounds has also created a work opportunity for some of the northern Indigenous prisoners who would otherwise have remained in their yards, as traditional indoor employment holds little interest for them. The prison's employment expo is also used as a means of developing positive engagement with constructive activity. The expo promotes employment and training opportunities for Aboriginal prisoners. The prison offers training in the meat industries certificate in collaboration with Fletcher International in order to facilitate employment for Aboriginal prisoners on release.
- 4.20 Despite these positive initiatives, prison management believe that Aboriginal underemployment cannot be successfully addressed without an expansion in socially and culturally appropriate infrastructure. The prison's 2011 business case for industrial expansion included an Aboriginal art industries workshop to support its drive to engage more Aboriginal prisoners in meaningful work. This sensible idea has the dual merits of expanding the scale of Aboriginal employment and being culturally appropriate; it is therefore well designed to overcome Aboriginal prisoners' disengagement from employment and training. Moreover, because arts are one of the successful Aboriginal activity and employment areas in Western Australia, the workshop would function well as a pathway to constructive activity in post-release communities. Prison management also supports prison and community partnerships promoting positive engagement amongst Aboriginal prisoners. The vehicles for these are the PASC and the Indigenous Employment Program (IEP).

Recommendation 4

Provide an Aboriginal Arts workshop.

The PASC and the IEP

- 4.21 The Department's PASC process aims to 'ensure that Aboriginal prisoners and offenders leaving prison have access to appropriate services and programs that will facilitate healthy lifestyles, contribute to the reduction of reoffending and Aboriginal disadvantage'.¹¹⁷ The PASC requires prisons to focus on six areas of Aboriginal disadvantage – governance, education, employment, health, supportive communities, and housing. Each PASC must comprise representative members who work with community agencies to improve the welfare of Aboriginal prisoners, both in and out of prison.

¹¹⁷ Recommendation 87 of the *Inquiry into the Management of Offenders in Custody and the Community* ('the Mahoney Inquiry') required that each prison establish an Indigenous services committee to coordinate and monitor the implementation of the Department's Indigenous strategies. See DCS, *Reducing Aboriginal Disadvantage, A Guide for Aboriginal Services Committees within Western Australian Prisons* (March 2010).

-
-
- 4.22 The PASC at Albany Regional Prison is an active group that has embraced the aims of the committee, as set out in the PASC guide.¹¹⁸ The Committee comprises the Superintendent and ASPM, the court-based Aboriginal liaison officer, the principal officers, two Aboriginal prisoners, medical staff from the health centre and representatives from community-based agencies, including Centrelink, Commonwealth government departments and employment agencies. The prison-based Community Corrections Officer is the PASC activities coordinator. The committee meets monthly and outcomes and actions from these meetings are minuted.
- 4.23 Albany's PASC has sensibly decided to focus primarily on employment. The reasoning is that, if a prisoner is employed, he is more able to acquire and keep a house, seek medical treatment and make informed choices. He is, therefore, in a stronger position to address his disadvantages.
- 4.24 A key enactment of this sound reasoning is the prison's IEP.¹¹⁹ The IEP, a joint prison and community initiative which aims to address issues relating to employment amongst Aboriginal prisoners holistically, starting by instilling a positive attitude and ethic towards work, which many prisoners have not been exposed to. Targeting prisoners who have sufficient time left on their sentence provides more scope for positive outcomes. These individuals will need to have appropriate assessment and counselling to address motivational and other lifestyle barriers during that period. They will also need to engage in relevant training and, if possible, work experience, which will require significant input given the relative lack of participation in such activities in Albany prison industries. One example of this coordinated approach is the Aboriginal hospitality course being offered in the education centre in order to assist offenders wishing to obtain employment in the mining sector. It is understood that barriers to success will not easily be overcome and will require participation and support of various roles within the prison and in the community. It is hoped that the first individuals able to be placed will help motivate others looking towards their release.
- 4.25 The Inspectorate commends Albany's PASC and IEP activities. The PASC's decision to focus on the area of Aboriginal disadvantage it regards as key is sensible, and will allow the prison more opportunities to achieve results in this targeted area.

A Socially and Culturally Appropriate Work Camp?

- 4.26 Work camps in Western Australia have demonstrated that they are of greater benefit to Aboriginal prisoners than any other prisoner group.¹²⁰ The reasons for this include their provision of a culturally appropriate custodial experience providing a more positive and healing environment through traditional activities such as hunting, fishing, and cooking bush tucker; close social contacts with elders, communities, families and support services; and facilitating prisoners' ability to 'give back' to their communities.¹²¹

118 DCS, *Reducing Aboriginal Disadvantage, A Guide for Aboriginal Services Committees within Western Australian Prisons* (March 2010).

119 The philosophy behind the IEP is to engage Aboriginal prisoners 12 or more months out from release. As such the program does not duplicate pre-release efforts already underway in the prison.

120 DCS, *Capital Works Business Case, Gnowangerup Work Camp and Prison Farm* (2011).

121 Ibid.

- 4.27 The Department has taken action to ensure that Aboriginal prisons are supported by culturally appropriate work camps in the Pilbara and in the Ngaanyatjarra Lands.¹²² However, during the two previous Albany inspections the Inspectorate noted that there were very few Aboriginal prisoners placed at either of the south-west work camps.¹²³ The lack of a specific work camp for Noongar Aboriginal prisoners from the Great Southern region was seen as a missed opportunity during the last inspection. The Inspectorate therefore recommended that the Department implement a strategy ensuring a proportionate number of Noongar Aboriginals are placed in work camps.¹²⁴
- 4.28 In 2011 the Department submitted a funding application to utilise Gnowangerup agricultural training centre as a 20 to 24 bed work camp, partially in order to provide additional minimum-security options for Albany.¹²⁵ The intention is to provide Aboriginal employment opportunities, possibly though linking the camp with mines preparation training. This seems a useful means of addressing employment and training reintegration needs.¹²⁶ The Inspectorate commends the Department for its recent efforts in this regard.
- 4.29 Departmental data indicates that the minimum security cohort at Albany was composed of 59 Aboriginal prisoners.¹²⁷ This represents the cohort from which prisoners could be progressed to external activities. Since the previous inspection, the number of Aboriginal prisoners progressed to Pardelup or Walpole has been low, and since Pardelup became a prison farm in 2011, there have rarely been more than five Aboriginal prisoners at the farm at any one time.¹²⁸ As Albany has not been able to progress representative numbers of Aboriginal people, strategic improvements would be required for a Noongar-centred work camp to succeed as part of the throughcare program from Albany. Departmental data demonstrates that a significant proportion of minimum security Aboriginal prisoners are being held out of country. Were these prisoners to be accommodated at Albany then the prison's ability to provide a sufficient supply of work camp eligible Aboriginal prisoners would be enhanced.¹²⁹

Recommendation 5

Develop and implement proactive strategies to ensure improved access for Aboriginal prisoners to minimum security placements including socially and culturally appropriate work camps.

122 For example, Millstream and Warburton work camps.

123 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009) 38;

OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006) iv, 22–23, 38.

124 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009) Recommendation 7.

125 OICS, interview with DCS Work Camps Manager (23 December 2011).

126 Ibid.

127 Forty-three per cent were Indonesian prisoners and 11% other foreign national prisoners. Foreign nationals are not eligible for work camps where they are subject to deportation orders.

128 OICS, analysis of TOMS data for 2011.

129 DCS, 'Prisoners in Custody on 20 September 2011 from the Albany Region'. This data was cross-referenced with TOMS data (5 January 2012). There were 123 Great Southern region prisoners in Western Australian prisons on 20 September 2011.

Aboriginal Education

- 4.30 Aboriginal inmates were represented as higher than the average with 59 per cent of Aboriginal inmates enrolled in education in the past 12 months.¹³⁰ The high level of Aboriginal enrolment also creates demands as many have literacy and cultural challenges in a learning context. Tension between Aboriginal inmates and Indonesian inmates is created by their competition for the same scarce resources, particularly staff time.
- 4.31 No position for an Aboriginal Education Worker (AEW) exists though there were 140 Aboriginal students enrolled during 2011. As noted above, the Aboriginal prisoner population is as large as that of several of the state's 'Aboriginal prisons', and includes a substantial number of displaced Aboriginal prisoners whose disengagement from constructive activities is worse than that of the Noongar prisoners. An AEW could offer enhanced Noongar language classes, cultural programs, and literacy support.¹³¹ This work would enhance the prison's promotion of positive Aboriginal self-identity and social and cultural practices. An AEW could work to support the links between education, training, and work, and thereby contribute to the prison's efforts to overcome Aboriginal prisoners' disengagement from constructive activity.¹³² This work would supplement the throughcare work of the PASC and IEP.¹³³ An AEW could also ensure that Aboriginal prisoners are not competing for insufficient education resources, and act as a cultural broker, helping to build good relations between Aboriginal and foreign national prisoners.

Recommendation 6

Employ an Aboriginal Education Worker.

Cultural and Spiritual Needs

- 4.32 During the inspection, prison chaplains stated that Aboriginal spiritual needs were well looked after. They spoke highly of the cook-ups, the Aboriginal Visitors Scheme, the fire, barbecues, football and celebrations including NAIDOC, and referred positively to the small cohort of Aboriginal prisoners who attended their services. The prison also sensitively approaches its responsibilities for funeral arrangements.
- 4.33 The Inspectorate's Standard 106.10 requires the systematic observance of customs relating to language, death, healing, storytelling, rites of passage or tribal traditions. Here the prison must be commended for its support for the Aboriginal Corroboree project, which seeks to strengthen Aboriginal cultural practices at Albany.¹³⁴ The provision of Noongar language classes at the education centre is also a good development.

130 From August 2010 to August 2011.

131 OICS, *Inspection Standards for Aboriginal Prisoners* (July 2008) Standard A23.

132 Ibid, Standard A24.

133 See 4.21–4.25.

134 See 4.18.



Figure 5: The Aboriginal meeting place (including fire pit)

Aboriginal Visitors Scheme (AVS)

- 4.34 In addition to providing Aboriginal care in order to help prevent self-harm and suicide in custody, the AVS aims to ensure that ‘the Aboriginal community is satisfied that detainees and prisoners are treated in a fair and humane manner whilst incarcerated’;¹³⁵ ‘to improve the conditions of those in custody through consultation, advice and information to decision makers; and [to] provide the community with information about the needs of Aboriginal detainees and prisoners’.¹³⁶ Thus, the AVS role extends to acting as a conduit for community views into the prison, and for information from the prison back to the community.
- 4.35 In a continuation of longstanding good practice Albany continues to enjoy the best AVS service in the state. The robust AVS found during the previous inspection remained a strength of the prison in this inspection. There are three AVS visitors, who attend three times a week. The visitors are well respected and visible throughout the prison. The AVS conduct a large volume of documented interviews with prisoners and brief prison management on particular issues as they arise. The communication and cooperation between the AVS and prison management is seamless and efficient. The AVS members have been visiting the prison for more than 20 years, and have elder status within their Noongar communities. Their status, strong community relations and social and cultural knowledge mean that they are ideally placed to understand the issues of the Noongar prisoners and to voice community concerns in regard to prison policies and practices.

135 Prosser P, *Aboriginal Visitors Scheme*, paper presented to the Australian Institute of Criminology Best Practice Interventions in Corrections for Indigenous People Conference, Adelaide (13–15 October 1999).

136 DCS, ‘AVS’, *DCS News* (18 March 2011). See also DCS, *Annual Report 2010–2011* (2011) 59.

- 4.36 As was the case at the last inspection, the AVS, with the help of prisoner volunteers, prepare a traditional cook-up every six weeks, mainly kangaroo stew. This meal is available for all prisoners, not only Aboriginal prisoners. The provision of this meal, prepared by Aboriginal people is exceptionally good practice.

Displaced Aboriginal Prisoners

- 4.37 At the time of the inspection there were at least 28 displaced Aboriginal prisoners at Albany. Most of these were held at Albany because they had been transferred to complete a program. Unfortunately, because of difficulties in providing facilitating staff, the programs these prisoners were transferred to attend are no longer available at the prison. As a result, these prisoners are pointlessly displaced at Albany.
- 4.38 The inspection found additional gaps in the overall management of this group of prisoners at Albany. Inspection team members found that they have little understanding of prison processes, for example those around being released from prison. Also, the process for applying to attend funerals was not clear to this group of prisoners. While prison processes are generally transparent for mainstream prisoners at Albany, this is not the case for remote Aboriginal prisoners for whom English is not their first language.
- 4.39 Access to meaningful employment was a particular problem for this group of prisoners, as it had been at the time of the previous inspection in 2008. There was a perception that many of these prisoners are ‘employed’ to pick up cigarette butts. Lacking access to and engagement with meaningful employment, these prisoners do not progress through the prison’s hierarchical management system. Instead they remain stagnant in the most sub-standard accommodation. The plans to build an Aboriginal arts workshop would help alleviate this situation.
- 4.40 None of the Peer Support Officers in Western Australian prisons have an Aboriginal language. Northern Territory Corrections have trained Aboriginal prisoners working as accredited interpreters, a practice that could be applied in Western Australian prisons.¹³⁷ At Albany this would be particularly relevant for the displaced Aboriginal prisoner group.
- 4.41 Unless there are exceptional circumstances, out of country prisoners should not be accommodated at Albany, and particularly not for programs that are not available. If displaced Aboriginal individuals are to be exceptionally held at Albany, much more needs to be done to improve the services and opportunities provided to them.

Recommendation 7

Engage appropriate support (including a focus on language and cultural needs) for displaced Aboriginal prisoners accommodated at Albany.

137 OICS, discussion with DCS Project Officer (17 November 2011).

FOREIGN NATIONAL PRISONERS

Policy and Management

- 4.42 The United Nations defines foreign national prisoners as ‘prisoners who do not carry the passport of the country in which they are imprisoned’.¹³⁸ This term includes ‘prisoners who have lived for extended periods in the country of imprisonment, but who have not been naturalized, as well as those who have recently arrived’.¹³⁹ Not all foreign national prisoners are culturally and linguistically diverse (CaLD) people. For example, approximately 18 per cent of the foreign national prisoners at Albany are English, Irish or Scottish people who share the same Anglo ethnicity as many Australian nationals. Prisoners who are both ethnically different from the majority prisoner population and foreign national prisoners have more difficulty in achieving equitable outcomes than those who are ethnically similar. This is because non-English speaking background (NESB) prisoners have language-related needs and risks.
- 4.43 Foreign national prisoners (‘foreign nationals’) form a growing minority group within the Australian prison system. In 2006 there were approximately 700 foreign nationals held in Australian prisons, including around 100 in Western Australia.¹⁴⁰ The state’s foreign nationals prisoner population has more than doubled since 2006.¹⁴¹
- 4.44 Most foreign nationals are held under s 120 of the *Australian Constitution*, which requires the states to detain Commonwealth prisoners. In 2006 the (then) Inspector observed that the Commonwealth had delegated the management of this prisoner group to Western Australia in particular, without developing detention strategies or accepting financial responsibility’.¹⁴² This situation remains, with neither the Commonwealth nor the state having developed a policy framework for the management of foreign nationals.¹⁴³ Queensland appears to be the only jurisdiction with an operational standard specific to the incarceration of foreign nationals in that state’s correctional facilities. The standard requires that foreign nationals ‘have reasonable access to all prison facilities’, that prisons should be ‘aware of the specific needs that this group of prisoners have’ and that prisons have a ‘specific strategy in place for identifying and managing this group of prisoners’.¹⁴⁴

138 UNODC, *United Nations Office on Drugs and Crime Handbook on Prisoners with Special Needs* (2009) 79.

139 Ibid.

140 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006).

141 DCS, TOMS, 2011 ethnicity data.

142 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006).

The Australia Law Reform Commission Report, *Same Crime, Same Time: Sentencing of Federal Offenders* (ALRC 103, Canberra, 2006) called for the development of ‘broad inter-jurisdictional equality and adherence to federal minimum standards in relation to the sentencing, administration and release of federal offenders in different states and territories’.

143 International guidance for foreign nationals’ management exists in the UNODC, *United Nations Office on Drugs and Crime Handbook on Prisoners with Special Needs* (2009) and the *International Standards for the Treatment of Prisoners* (2009). In the United Kingdom, the Chief Inspector of Prisons reports also provide guidance. See HM Inspectorate of Prisons, *Foreign National Prisoners: a Thematic Review* (July 2006); HM Inspectorate of Prisons *Foreign National Prisoners: a Follow-up Report* (January 2007). It is noted that the foreign national cohort in the United Kingdom is markedly different from that of Australian prisons.

144 Queensland Corrective Services, *Healthy Prisons Handbook* (2007) Standard 10.1.

- 4.45 The Inspectorate has previously recommended that the Department develop and implement standards for the management of foreign national prisoners.¹⁴⁵ Disappointingly, the Department has repeatedly rescheduled this task.¹⁴⁶ At present the responsibility sits with the policy unit, with a revised target date of 30 June 2012. However, this unit is understaffed and unable to meet this responsibility.¹⁴⁷ Unfortunately, the Department has no plans to dedicate the required staffing resources.¹⁴⁸
- 4.46 Albany prison requires that staff that are aware of the particular needs and risks of foreign national prisoners, and are appropriately trained with effective interpersonal skills.¹⁴⁹ Ideally, there should be a dedicated officer responsible for the management of foreign nationals, reflected by an appropriate management structure at head office.¹⁵⁰ A promising development is the Department's Cultural Consultancy Project, which involves developing an expanded role for the Peer Support Officer (PSO) position to enhance its relevance for CaLD prisoners.¹⁵¹

Recommendation 8

Develop and implement policies and processes to ensure the appropriate and consistent treatment of foreign national prisoners, including enhanced peer support services and relevant training for peer support officers.

Language, Interpretation and Translation

- 4.47 For many of the foreign national prisoners at Albany English is a second language, but some have come to the prison with no competency in English at all. The relevant policy guidance is the Western Australian Language Services Policy 2008 (WALSP). The Department's Cultural Consultancy Project involves a review of its own language service policy, following a whole of government review.¹⁵²
- 4.48 Interpretation and translation is particularly important for NESB prisoners. The WALSP establishes minimum standards for the use of interpreting and translating services. Appropriately qualified interpreters and/or translators are necessary for communication of essential information for the protection of rights, health, and safety, including informing prisoners of their legal rights and obligations; situations requiring informed consent; situations involving legally binding contracts or agreements with the state; and situations involving the communication of essential information for full participation in decisions or proceedings relating to a prisoner's rights, health, and safety.¹⁵³

145 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010). Recommendation 15: 'The Department must develop and implement clear standards with regard to the management of foreign nationals within the Western Australian prison system'.

146 The Department failed to meet these target dates: 31 December 2010, 31 March 2011, 30 June 2011, and 30 November 2011.

147 Information derived from conversations with senior departmental staff during the inspection research phase (November 2011 to January 2012).

148 Ibid.

149 DCS, *Draft Albany Regional Prison Business Plan 2011–2012* (2011).

150 This would reflect UNODC, *United Nations Office on Drugs and Crime, Handbook on Prisoners with Special Needs* (2009) [4.3.1] 'Management Policies and Strategies'.

151 OICS discussion with DCS Project Officer (17 November 2011).

152 DCS, *Language Services: Policy and Practical Guidelines*, 2002.

153 Government of Western Australia, Office of Multicultural Interests, *Western Australian Language Services Policy* (2008) Standard 2.1.

4.49 Key areas for attention in respect of interpreting and translation at Albany include:

- orientation materials and support;
- medical and program discussions;
- complaints and security discussions;
- communication about special diets;
- accommodation; and
- religious matters and counselling.¹⁵⁴

Some of these areas require confidential treatment, and some are areas where face-to-face support is more appropriate than telephone support.

4.50 The prison has relied on the national Translating and Interpreting Service (TIS) for legal and medical interviews with NESB prisoners, including situations requiring informed consent. However, the TIS service is no longer offered on a face-to-face basis. The service is also limited because the Department only has a budget of \$20,000 for interpreting services. Moreover, like other state prisons, Albany lacks a budget for on-site interpreting and staff language training. For many situations including orientation, the prison has relied on English-speaking foreign national prisoners to provide interpreting services, including orientation for new prisoners, medical interviews, and security incidents.¹⁵⁵ This practice contravenes the WALSP minimum standards which allow for non-professional interpreting only in ‘exceptional circumstances’.¹⁵⁶

4.51 Although prisoners should not be used as a replacement for qualified interpreters, there are positive aspects to current prison practice. Albany uses prisoners with sufficient English language and social skills to support their peers. Such ‘cultural brokers’ are elected to the peer support team and to the prison forum. These prisoners should be available when NESB prisoners commence new roles and should provide explanations that will foster understanding.

4.52 An important area for NESB prisoners is English language learning. The education centre is meeting the language needs of non-English speaking background inmates at Albany at a very minimal level. The English tutor prohibits students from communicating in their first language during class. While English as a second language classes are often run in this way, it is not ideal for those most in need of basic language competence. Recourse to their first language is supportive at the beginning of learning a new language and is likely to support the acquisition of more difficult concepts as language learning progresses.

4.53 English language acquisition is linked to prisoners’ safety and wellbeing. Prisoners with little English are receiving occupational health and safety training without the benefit of an interpreter. Some induction information and training resources has been translated into relevant languages, but not all. Most safety signage is only available in English. Staff are unable to assess the accredited safety units usually offered because of the poor language skills of Indonesian students so a non-accredited course is provided. Indonesian prisoners who come from remote areas may be exposed to technology that is entirely unfamiliar without

154 See UNODC, *United Nations Office on Drugs and Crime, Handbook on Prisoners with Special Needs* (2009) Chapter 4, ‘Foreign National Prisoners’.

155 Albany hired a part-time translator and interpreter from its own budget for several months in 2011.

156 Government of Western Australia, Office of Multicultural Interests, *Western Australian Language Services Policy* (2008) Standard 2.3.

the benefit of being able to understand instructions or warnings. The prison provides a non-accredited course to help ensure the safety of foreign nationals and others within prison workplaces. However, the Inspectorate is not confident that the course achieves this because of the lack of English language literacy amongst this prisoner group.

- 4.54 Albany's location creates obvious difficulties in providing an acceptable level of language services. If adequately skilled locals are not available to provide language services, alternatives must be put in place to ensure the provision of basic services that comply with the language services policy. For example, NESB prisoners could be provided with intensive occupational health and safety training in Perth (undertaken with the assistance of trained interpreters) before being transferred to Albany. Staff involved should pay particular attention to identifying those who are unfamiliar with potentially life threatening technologies (e.g., electricity); those who are not proficient in the language of signs throughout the prison; or those who are not literate. This assessment should be included in management plans so adequate consideration is given to how some level of safety is offered in living and working environments. In addition, translation services can be accessed from the Perth metropolitan area to provide translations of crucial signs and documents.
- 4.55 During the inspection prison staff reported they were unable to access language training, even where in some instances they had volunteered to attend classes in their own time. This is disappointing since staff with cultural and linguistic knowledge of the prison's ethnic groups would enhance the prison's capacity to manage these groups.¹⁵⁷ Senior departmental staff have also advised that cultural phrase guides would be useful for prisons with people who speak a second language (indicating both Aboriginal and foreign national groups).

Recommendation 9

Improve the Department's language services policy and operational practices, including interpretation and translation services.

Communication, Family Contact and Other Social Connections

- 4.56 Foreign nationals are held at Albany because it is considered that they lack social networks in Perth. This allows the Department to save places in the metropolitan prisons for prisoners who enjoy social visits. The risk entailed is that an already socially isolated group may become more so, as they are removed from metropolitan sources of support including community groups and consulates.
- 4.57 Because they are isolated from their social networks, communication and connectivity are particularly important for this group. Without adequate support, such prisoners face a heightened risk of mental illness.¹⁵⁸ Albany facilitates social contacts through consular contact, international phone calls and Skype connectivity, as well as occasional face-to-face social visits. Albany has made positive efforts to overcome the isolation of foreign nationals, including seeking out culturally appropriate individuals and groups of potential visitors.

157 See, for example, Queensland Corrections, *Healthy Prisons Handbook* (2007) Standards 8.3 and 9.6. (regarding cultural awareness).

158 UNODC, *United Nations Office on Drugs and Crime Handbook on Prisoners with Special Needs* (2009) 82, 86.

-
- 4.58 The use of Skype for social visit purposes is a recent innovation. Skype is particularly valuable for foreign nationals whose social connections are remote. The prison's provision of international time clocks above the computers is helpful, allowing prisoners to schedule their calls with ease. Skype provides a useful supplement to videolink technology, particularly as that technology is often not available or not compatible with overseas technology. The usefulness of Skype is limited, however, to groups whose families can access the internet.
- 4.59 All prisoners have access to local, interstate and international phone calls. Foreign nationals receive a telephone allowance of up to \$33.70 per week, which allows for approximately 20 minutes conversation per week.¹⁵⁹ The allowance is means tested. Once prisoners have \$150 credit in their prison accounts they do not receive the phone allowance. Some prisoners felt this discriminated against prisoners who had saved money. For some, this meant having to make a choice between sending money to their families and spending it on phone calls. There were also perceptions of a perceived inequality, as the telephone allowances vary in different prisons.

Orientation and Placement

- 4.60 Most foreign nationals at Albany have been transferred from Hakea where an interpreter will have facilitated their reception and initial assessment. New prisoners at Albany receive an entry pack including a guide to the prison and its rules and regulations. This guide has been translated into Bahasa for Indonesian prisoners. Indonesian members of the peer support team take part in the orientation process, helping new Indonesian prisoners to integrate into prison life. This service is only occasionally available for other NESB foreign nationals when, for example, there are peer support members of the same ethnicity. This is reasonable given the small numbers involved, but perhaps reinforces the value of having a dedicated foreign nationals' PSO or cultural liaison officer.
- 4.61 It is desirable to place foreign national prisoners of the same ethnicity together if this is their preference. Management's knowledge of ethnic groups is helpful in this regard. For example, it may not be advisable to place a Tamil Sri Lankan in the same cell as a Sinhalese Sri Lankan, or a Hazara Afghan in the same cell as a Pashtun Afghan. Albany's placement of prisoners according to ethnic and other affiliations (following prisoner preferences) can be considered to be best practice, despite the overcrowded facilities placements operate within.

Fostering Healthy Integration

- 4.62 The Department does not provide specific guidance on fostering healthy relations between different ethnic groups and therefore Albany makes use of general prisoner management policy in addressing this issue. For example, the prison makes use of an anti-bullying policy in all cases, including those involving racism.¹⁶⁰ This policy outlines a positive aim of developing 'a prison culture where care, commitment, and respect for the individual are seen as important'.¹⁶¹ As noted in other parts of this report, Albany has achieved this positive culture, which provides the right context for engendering good inter-ethnic relations.

159 DCS, Inspection Documentation, 'Foreign national prisoners at Albany Regional Prison'. Note, allowances are made in line with Policy Directive 36 and Custodial Operation notice 33/2010. Indonesian prisoners receive \$15.80 per week.

160 The Department is considering the development of specific anti-racist operation guidelines. See DCS, *Draft Reconciliation Action Plan*, 2011, Proposed Action 9. The Department proposes the development of an anti-racism policy and related training for staff.

161 DCS, Albany Regional Prison, *Prisoner Anti-Bullying Strategy* (October 2010).

-
- 4.63 Albany does a good job of promoting inter-ethnic integration through shared social and cultural activities. Proactive measures exist in the prisoner forum and peer support team, both of which bring together representatives of the different ethnic groups. The education centre encourages Aboriginal prisoners in their learning of Maori language, and would positively view interest in the Noongar language course from other prisoner groups. The rice provided to Indonesian prisoners on a daily basis is also available to all prisoners, just as all prisoners are able to participate in the Aboriginal cook-up. Moreover, the prison's accommodation placements are designed, in part, to encourage different groups to cohabitate and avoid segregation. Other forms of inter-group communication are facilitated, such as mediations conducted between group protagonists involved in conflicts. Nonetheless, structural inequality and overcrowding caused by departmental under-resourcing exacerbates inter-group tensions.
- 4.64 The Inspectorate received several reports from prisoners of racist language directed at foreign nationals. Officers told the inspection team that it is not clear what protocols there are to intervene in cases of racism.¹⁶² Guidance in this regard can be found in the Queensland corrections standards requiring that appropriate officers 'take action to identify and minimise racist bullying'.¹⁶³ The standards require that staff should 'speak to the officers concerned about their role in this violence reduction strategy', and 'check they monitor violent incidents for any racial element and what action they take'.¹⁶⁴ They should also 'check that any evidence of racial bias in the reporting of, or responses to, violence or bullying is raised with senior management'.¹⁶⁵ Similar standards should be adopted at Albany and other Western Australian prisons.

Access to Education, Training and Employment

- 4.65 Education, training and work are particularly important for foreign nationals.¹⁶⁶ In part this is because their lack of local support means they will be particularly reliant on gratuities earned. Their sense of isolation is also liable to be exacerbated if they are unable to engage in constructive activities. It is therefore commendable that foreign nationals have a 100 per cent employment rate at Albany, and are employed in meaningful work in a diverse range of industries. In general, foreign nationals enjoy a positive advantage over other groups in this regard, and particularly over Aboriginal prisoners. The exceptions are those hampered by a lack of competency in the English language.
- 4.66 Foreign nationals are generally Commonwealth prisoners and therefore required to pay full fees if they wish to participate in tertiary education. Consequently, most are unable to enrol in tertiary courses. However, Albany, like other Western Australian prisons, is able to offer them placements on Department-funded education and training courses at no cost. Foreign nationals at Albany are assessed for English language lessons prior to study. The education centre has booked several of these foreign nationals for courses including basic education, visual and performing arts, and horticulture.

162 See DCS, *Draft Reconciliation Action Plan* (2011) Proposed Action 9. The Department proposes the development of an anti-racism policy and related training for staff.

163 Queensland Corrections, *Healthy Prisons Handbook* (2007) Standard 8.7.

164 Ibid.

165 Ibid, Standard 9.10.

166 United Nations Office on Drugs and Crime, *Handbook on Prisoners with Special Needs* (2009) [4.2.5].

- 4.67 During the inspection foreign nationals in education complained they cannot advance beyond a particular level of gratuities (often level three). The prison's rationale for restricting advancement is that education prisoners are improving their own interests through education, and therefore already benefit. This may act as a disincentive against participation in education. This practice is discriminatory, but applies to all education participants rather than just foreign nationals.

Consular, Legal and Immigration Support

- 4.68 Consular support is important for foreign nationals and may sometimes be a prisoner's only form of contact with his home country. The prison maintains a list of all foreign diplomats and consular locations. Contacts to these locations are made on the basis of request or need. Consular representatives are encouraged to visit their subjects. These visits are accommodated as needed and are not restricted to normal visiting times.
- 4.69 During the inspection most foreign nationals agreed that they had good access to legal aid, including visits, video link visits and regular phone calls. Several prisoners stated that they had interpreters to help with communication. However, the inspection team witnessed occasions in which prisoners had clearly not understood the interpretation during legal interviews.
- 4.70 Communication with the Department of Immigration and Citizenship (DIAC) is important for prisoners with uncertain immigration status, including those subject to deportation. A lack of information can cause anxiety and mental illness. Prison staff are not trained in immigration matters and are therefore not well informed to assist prisoners with immigration queries. Queensland Corrections have developed useful guidelines including a requirement for centres to liaise regularly with DIAC and for all prisoners to be informed as early as possible whether they are being considered for deportation.¹⁶⁷ The Department should develop similar protocols with DIAC for Western Australian prisons.

Cultural and Religious Support (including food)

- 4.71 There was general agreement amongst foreign nationals that the food was appropriate and adequate. Many of Albany's foreign nationals are Muslims, and a small number are Jewish people. The kitchen's cooks cater for these groups every mealtime. However, the Halal and Kosher meals provided are simply the standard prison diet with pork items replaced by an alternative. This issue has been raised in a previous Inspection report.¹⁶⁸
- 4.72 The prison is supportive of diverse religious practices, including Buddhist, Christian and Islamic practices. Inspection staff were told that prisoners were content with the prison's arrangements for Ramadan. Muslim prisoners were happy with Friday and Saturday prayers and with the regular visits from the local Imam. During religious festivals the prison allows the prisoners to prepare their culturally specific food in the kitchen.

167 Queensland Corrections, *Healthy Prisons Handbook* (2007) Standard 10.3 The standard further require the prison to 'check with offender management coordinator for evidence of appropriate liaison'.

168 DCS, inspection documentation, 'Care and Wellbeing Point Six'. The meals are actually only pork-free rather than being Halal. See also OICS, *Report into an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010).

- 4.73 Culture and religion tend to gain in importance as foreign nationals are isolated from their home communities. Prisons should work to enhance cultural practices, including those that involve community groups and individuals. In this regard Albany does facilitate those visitors appropriate to individual groups; however, the regional isolation of the prison means that such visits are not numerous.

INDONESIAN PRISONERS

- 4.74 All of the key issues relevant to foreign nationals are relevant for Indonesian prisoners. However, there are some issues that are particular to Indonesian prisoners at Albany and these are discussed below.¹⁶⁹
- 4.75 Australian prisons currently hold around 250 foreign nationals on people smuggling charges.¹⁷⁰ When initially apprehended, alleged people smugglers are taken first into immigration detention. After processing and screening they are then transferred to prisons.¹⁷¹ Most of those convicted of people smuggling are Indonesian people.¹⁷² The numbers of convicted Indonesians are increasing because of the influx of smuggling boats and the long minimum sentences which apply to those convicted (often five years). Western Australian prisons hold around 150 Indonesian prisoners, 57 of whom were held at Albany at the time of the inspection.
- 4.76 The Department's *Substantive Equality Policy* (2008) requires it to take into account 'the effects of past discrimination and the differences in needs between groups and individuals to minimise unfair outcomes'. Indonesian prisoners can, like Aboriginal prisoners, be considered as a disadvantaged group whose past and continuing treatment should be given due consideration. Many of the Indonesians held on federal charges of 'people smuggling' and 'illegal fishing' traditionally come from the subsistence fishing and agriculture-based southern islands. Restrictions on their traditional fishing grounds and practices have worsened the already dire poverty of these populations.¹⁷³ This impoverishment has led many to resort to desperate measures in order to help support their families.¹⁷⁴
- 4.77 Although the sociological background of this prisoner group is well documented, little is known about the individual histories of these prisoners, including any criminal records held in Indonesia. At the time of the 2006 inspection of Albany, the Inspectorate was concerned about potential problems involved in security rating classification.¹⁷⁵ It was noted that the Department had given a minimum security rating to all Indonesian prisoners on the basis of the compliant conduct in the prison system of previous Indonesian prisoners. The perceived problem at that time was that it not known whether specific prisoners have criminal histories in Indonesia that might affect their rating.

169 See also OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010); OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 76 (March 2012).

170 Professor Neil Morgan, 'Indonesian People in Western Australian Jails', Presentation at Curtin University (2 December 2011).

171 Ibid.

172 Indonesian people are also commonly convicted of the federal charge of 'illegal fishing'.

173 Ruth Balint, *Troubled Waters: Borders, Boundaries and possession in the Timor Sea* (Sydney: Allen & Unwin, 2005) passim, and in particular 63–65, 70–81; Asriana Kebon, 'Of Fishers and Men: Indonesians held in detention in Australia for people smuggling are there because of poverty', *Inside Indonesia* (20 March 2011); See also Natasha Stacey, *Boats to Burn, Bajo Fishing Activity in the Australian Fishing Zone* (Canberra: ANU Press, 2007) passim.

174 Ruth Balint, *ibid*, 93–94, 101–103, 125–126, 143–147; Asriana Kebon, *ibid*.

175 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006).

4.78 The Indonesian prisoners at Albany and throughout the Western Australian prison estate are generally people with well-established work histories, often beginning with subsistence work in childhood. Their willingness to work and generally cheerful demeanour has meant that they are viewed as a positive asset in prisons where they make useful working contributions and generally do not present prisoner management problems. The history of this group's manageability indicates that the Department's assessment level for Indonesians has proven to be generally appropriate.

Supporting Families at Home

4.79 The most pressing need of the Indonesian prisoners is their responsibility to help support their families in Indonesia. However, on 13 June 2011 the Department issued Notice 8/2011 which limits the use of gratuities by 'people smugglers' and 'illegal fishermen'.¹⁷⁶ Under the notice, such prisoners are no longer permitted to 'transfer gratuity earnings outside of the prison' or to another prisoner while serving their sentence.¹⁷⁷ Consequently, the biggest issue for Indonesian prisoners is the Department's prevention of their ability to send remittances to support their families.

4.80 Prior to the Department's issuing of this notice, Indonesian prisoners had been using remittances to help support their dependants. Prisoners told Inspectorate staff of efforts they had made to save, with 15 prisoners indicating they had savings of at least \$400. For most, their efforts at saving extended over a significant period in prison. Several prisoners stated they had sent remittances home before Notice 8/2011, with the largest sum reported to the Inspectorate being \$1,200.¹⁷⁸

4.81 Since the Department issued the notice, these prisoners have been unable to support their dependants, including subsistence living and medical costs. In several cases the circumstances of prisoners' families seemed dire. Some prisoners indicated that their families have no means of providing for themselves without their support. Others indicated a need to support urgently required medical care, included treatment for cancer and diabetes. Throughout the custodial estate the Inspectorate heard similar accounts.

4.82 Notice 8/2011 does not match the Commonwealth Attorney General's reported request that the states should not institute procedures that are 'unduly harsh'.¹⁷⁹ Moreover, the Indonesian Government has reportedly asked Australia to consider whether convicted crew might be allowed to remit their prison earnings to help support their families.¹⁸⁰ Preventing remittances

176 DCS, Assistant Commissioner Custodial Operations, Notice No. 8/2011: Restricted Expenditure of Gratuities. Note, the Notice has been updated by ACCO Notice 14/2011 however, remittance sending for these groups is still prevented. Subsequent to the on-site inspection at Albany, the Inspectorate discovered that DIAC does not prevent prisoners from taking their gratuity earnings home with them once they are deported at the end of their sentence. This is in accordance with the ACCO Notice which stated that '[I]f at the end of a prisoner's sentence, DIAC have not issued a notice, gratuities credited to a prisoner and any other moneys held on their behalf shall be made available to the prisoner upon discharge or as soon as practicable thereafter'.

177 Notice 8/2011 follows through on instructions given to the Department by the Commonwealth Department of the Attorney General. On 8 April 2011 the Federal Attorney-General's Department requested state and territory corrections authorities to prevent remittances for convicted people smugglers. Information provided in correspondence from Compliance, Case Resolution & Operational Integrity – WA Department of Immigration and Citizenship (10 November 2011).

178 During 2011, the liaison team conducted a series of individual interviews with Indonesian prisoners at Albany. The data presented here is derived from those interviews.

179 Information provided in correspondence from Compliance, Case Resolution & Operational Integrity – WA Department of Immigration and Citizenship (10 November 2011). Note, at the time of writing the Inspectorate has sought, but not yet received corroboration from the Department of the Attorney General.

180 Ibid.

deviates from Article 25 of the Universal Declaration of Human Rights, which requires that adults be allowed to support their dependants. The notice also contravenes Rule 76 (2) of the *Standard Minimum Rules for the Treatment of Prisoners*, which states that ‘under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family’ (emphasis added).¹⁸¹

- 4.83 Notice 8/2011 is overly harsh in its prevention of remittances. A more humane approach would be to allow a proportion of earnings to be remitted, taking into consideration the particular situation of prisoners with dependants to support. Such an approach has a basis in Section 223 of the *Migration Act 1958* (Cth).¹⁸² The prevention of remittances for this prisoner cohort is also at odds with the current policy of other state and territory governments. For example, Queensland Corrections’ healthy prisons standards require that their prisons ‘have regard to needs such as the ability to send money home to family, childcare, allocation to employment etc.’¹⁸³
- 4.84 Notice 8/2011 discriminates against non-citizens, and particularly against Indonesian people. As such it certainly contravenes the spirit, and also sometimes the letter, of state, national and international rights commitments. These include article 26 of the United Nations *International Covenant on Civil and Political Rights*, which requires that prisoners not suffer discrimination; rule 76(1) of the United Nations *Standard Minimum Rules for the Treatment of Prisoners*, which states that ‘there shall be a system of equitable remuneration of the work of prisoners’; the *Equal Opportunity Act 1984* (WA); s 9(1A) of the *Racial Discrimination Act 1975* (Cth); and the Department’s own *Substantive Equality Policy* (2008).¹⁸⁴

Recommendation 10

Ensure that all foreign national prisoners are able to use a portion of their gratuities for sending remittances to support their dependants.

Work and Education

- 4.85 At the time of the inspection Indonesian prisoners were well regarded for their work ethic and productivity throughout the prison. Indonesian prisoners were valued members of the work teams in the kitchen, the gardens, the laundry and various industries. The majority of the Indonesian prisoners were receiving level three gratuities, and 25 per cent were receiving the two highest gratuity levels.¹⁸⁵ There was a perception that some prisoners had been stuck on level three for two years with no change. If this reflects a consistent block on progression for Indonesian prisoners, this indicates another challenge for the prison’s hierarchical management model.

181 United Nations, *Standard Minimum Rules for the Treatment of Prisoners* (1955).

182 Section 223(11) of the *Migration Act 1958* (Cth) states as follows: ‘If the court confirms the notice, the court may make an order directing the Secretary to make provision, whether by returning valuables to which the notice relates or otherwise, for the meeting of either or both of the following: (a) the detainee’s reasonable living expenses (including the reasonable living expenses of the detainee’s dependants (if any)); (b) reasonable legal expenses incurred by the detainee in relation to a matter arising under this Act.’ (Emphasis added.)

183 Queensland Corrective Services, *Healthy Prisons Handbook* (2007) Standard 10.1.

184 See 4.5–4.6.

185 DCS, TOMS (3 October 2011).

- 4.86 The prison currently has only a small number of Indonesian prisoners undertaking courses, primarily because language problems prevent advanced studies. At the time of the inspection two Indonesians were studying full time, one of whom was enrolled in Certificate I Business as well as English language classes.
- 4.87 The majority of this population are minimum security prisoners able to be approved for supervised work outside the prisons.¹⁸⁶ Although this is not the subject of a formal recommendation, the Inspectorate believes that there is scope for the Department to consider developing work programs specifically designed to facilitate reparation, such as agricultural or maritime work projects.

Relations with Other Prisoners and Staff

- 4.88 The liaison visits throughout 2011 provided evidence of generally cordial relations between Indonesian prisoners and other groups, with a high degree of social interaction. However, some tension was evident during the inspection. Tensions revolved around perceptions of favouritism towards Indonesian prisoners (eg, around types of work and gratuities levels). There have been strains between Aboriginal and Indonesian prisoners in particular. Indonesian prisoners reported instances of verbal abuse (racist terms) and some threatening behaviour. Sporting events occasionally resulted in conflict between some Indonesian and Indigenous prisoners in 2011.
- 4.89 Prison management was aware of some tension between these groups and their basis on perceptions of inequitable treatment. Their view was that the way forward was to continue with the measures to improve the engagement of Aboriginal people with work and education, and through communication and mediation. In respect of the latter, the security record indicates that the prison has been largely successful. Indonesian prisoners were generally positive about staff at Albany and reported that the prison officers respect them. However, in a few instances individual prisoners suggested they would like to feel more protected from verbal abuse. Albany's staff would benefit from departmental guidelines promoting the integration of groups and managing the risks of intergroup conflict. Such policy needs to be managed by a dedicated officer.

Consular Support

- 4.90 In 2011 Indonesian consular officials visited prisoners at Albany on three occasions, and provided prayer mats, Korans and headwear to Albany's prisoners. Prisoners expressed doubts however, about the limited extent of Consular support.

Age Determination

- 4.91 At the time of writing the Australian Human Rights Commission is conducting the *Inquiry into the Treatment of Individuals Suspected of People Smuggling Who Say they are Children*. The inquiry addresses concerns that the age determination methods used for prisoners convicted of 'people smuggling' are not adequate, and that their use has resulted in the imprisonment of minors, some of whom are likely to be Indonesian children. Some of the prisoners with whom the inquiry has engaged are held at Albany, and around the time of the

186 Under departmental policy, deportation does not prevent supervised external work as it does placement in work camps.

inspection, one young man who had been in custody for a significant period was removed and repatriated. The Human Rights Commission's inquiry therefore seems likely to have relevance for Albany once its findings are published.¹⁸⁷

LONG-TERM AND LIFE SENTENCE PRISONERS

Lifers Unit

- 4.92 Albany's core group of long-term prisoners has contributed to the prison's reputation as a stable, settled place. At the time of writing there were 115 prisoners at Albany serving effective sentences of five years or more.¹⁸⁸ Some of these are people with life or otherwise indefinite sentences. Among these are Dangerous Sex Offenders who may be held for a further period after completion of their sentences. There are signs that prison may be developing effective management of this group. In two recent cases collaborative work had led to Supreme Court approvals for release.
- 4.93 Long-term prisoners had been negatively affected by the consequences of the overcrowding and were generally of the view that the hierarchical management system at Albany was not working. Several prisoners told the Inspectorate they were unhappy about having to share enhanced living areas with prisoners who had not earned their place there. This was exasperating for prisoners who had been in self-care for a long time and who may remain in the prison system for many more years. Prisoners said they would like a separate unit for long-term and life sentence prisoners. Now that the prison has the opportunity to expand its single occupancy self care accommodation it is important that the needs of this prisoner group are respected.

Other Issues

- 4.94 Dental and health services are particularly important for long-term prisoners because they lack access to community and private services for an extended period of time. This prisoner group has been affected by the lengthy delays in provision of dental service currently being experienced at Albany.¹⁸⁹ One prisoner said he had been waiting for treatment since 2009 while another claimed he had waited four years for dentures.
- 4.95 Staying in touch with family and social networks requires commitment if the prisoner is long term. There were perceptions that the cost of phone calls within Australia was too high and that international calls were cheaper. That led to resentment over unequal treatment. Long-term prisoners were interested in utilising Skype for family contact, but noted that some families did not have computer and internet access.
- 4.96 Parole progression is well supported at Albany as the Senior Community Corrections Officer case manages and works towards the eventual release of prisoners with life or indefinite sentences. This involves identifying and resolving barriers to effective release and facilitating compliance with release requirements including release plans, accommodation options and support systems.

187 The Inquiry's findings are due to be published in mid 2012.

188 DCS, TOMS (6 December 2011).

189 See below 6.29–6.34 and Recommendation 12.

4.97 Only prisoners sentenced after proclamation of the *Sentence Administration Act 2003* (WA) are considered eligible to undertake a resocialisation program. Those sentenced prior to 2003 are at a comparative disadvantage because successful completion of a resocialisation program can help demonstrate to the Prisoners Review Board a capacity to comply with direction and cope with life in the community. Only one prisoner at Albany at the time of the inspection had approval to undertake a resocialisation program leading up to his next Parole review date in a few years.

PROTECTION PRISONERS

4.98 The Inspectorate's standards for the treatment of prisoners in segregated protection regimes emphasise the safety of protection prisoners, integrating protection prisoners into the mainstream prisoner population, and equity of access for such prisoners to all areas of prison operations.

4.99 In the 2006 inspection, services and facilities for protection prisoners were found to be inadequate. As a result, the Inspectorate recommended that the prison 'should address the equality issues regarding access to services for protection prisoners and their general care and wellbeing'.¹⁹⁰ The subsequent inspection of Albany in 2008 found life for the protection prisoners much improved and the report of that inspection commended the local administration for their efforts in this area.¹⁹¹ However, this inspection found that the situation had regressed and that some previous improvements, such as the provision of an in-unit computer, had been removed.

4.100 The protection area at Albany is dismal.¹⁹² The yard consists of a line of cells that open on to a courtyard, which is enclosed on all sides and features a caged roof. There is little recreation equipment in this courtyard, a table-tennis table being the focal point. At one end of the yard is a communal day room. Protection prisoners are confined to this area for 23 hours a day, except on Fridays when they are permitted to leave the unit in the afternoon to go to the oval, library and canteen. The 2009 inspection report saw this as a welcome increase to access of prison facilities by protection prisoners and commented on this positively.¹⁹³ On the other days of the week, the protection prisoners are offered the opportunity to leave their unit to walk around the workshop area over lunchtime when no other prisoners are around. However, at present it appears few of the protection prisoners take up this opportunity. The 2011 inspection team was disappointed that further improvements for protection prisoners had not been made over the past three years.

190 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 38 (November 2006) Recommendation 5.

191 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009).

192 As noted above (see 1.16), the accommodation unit in which the protection prisoners reside is inadequate and prison's plan to relocate protection prisoners to D Yard is positive.

193 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009) 9.

Chapter 5

LIVING IN ALBANY REGIONAL PRISON

ENTERING PRISON

Reception

- 5.1 The prisoner reception infrastructure and processes were generally functioning well at Albany. 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. However, the reception area is understaffed and reception staff reported that they do not have an opportunity to take a lunch break. Some of the overburden is attributed to the Department's longer risk assessment checklist.¹⁹⁴ The responsibility for processing town spends also adds to the workload of reception staff.
- 5.2 In addition to the Department's risk assessment checklist, the reception staff have developed their own issues register. Any issues that received prisoners may have are recorded on the register, including issues with another prisoner, mental health issues and behavioural issues. If a prisoner presents with no problems or concerns, he is written in this register as having no issues. This is a useful tool that complements the TOMS alerts system and allows reception officers an easy to access overview of each prisoner's issues which is useful when prisoners who have been released return to Albany prison.
- 5.3 Reception staff have improved processes in the reception area to enhance efficiency. Staff have also implemented a verbal handover system which involves a phone call to the next officer starting on shift to supplement information recorded in the handover book.

Orientation

- 5.4 The orientation process is cross-divisional, requiring input not only from the orientation officer but also from unit officers, reception staff and the Prison Support Officer. Albany's orientation process is well organised, and more comprehensive than at the time of the last inspection. New arrivals to Albany are provided with the orientation pamphlet *A Guide to Albany Regional Prison* either in English or Bahasa (for Indonesian prisoners). The process at Albany was in line with the Department's requirements for modules to be delivered and the time in which the orientation process for prisoners must be completed.
- 5.5 The inspection team spoke with some recently arrived prisoners who reported being sufficiently informed of the operation of the prison and of being given the option of a tour of the prison on arrival. The prison has taken action to provide more structure to the orientation process, including using peer support prisoners. On reception of new prisoners, the Prison Support Officer (PSO) contacts the peer support prisoners from the relevant accommodation units. When available, peer support prisoners attend reception and help guide the prisoner through the checklists, the orientation movie and written materials. Peer support prisoners also provide feedback to the PSO who then follows up. Particular care is taken where the prisoner is a young offender or a displaced Aboriginal person.
- 5.6 Peer support prisoners are initially required to meet regularly with new prisoners to assist with their orientation. However, questions have arisen about the regularity of these meetings. The PSO reports that the peer support prisoners are sometimes reluctant to participate because they do not receive gratuities for the role.¹⁹⁵

194 See OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011) 23.

195 See 5.36–5.38.

FOOD, CLOTHING AND BEDDING

Safety, Hygiene and Kitchen Staff

- 5.7 Results of the pre-inspection survey indicated that 78 per cent of responding prisoners were happy with the food quality and quantity at Albany, showing an increase on results from the 2008 survey. Comments received from prisoners during the inspection confirmed this.
- 5.8 All vocational support officers (VSOs) in the kitchen are trained chefs who pride themselves on their health and safety accreditations, as well as in the freshness of their food. The kitchen has been positively assessed by Hazard Analysis Critical Control Point monitors.¹⁹⁶ The kitchen workers are well trained in food safety and hygiene (although some language problems were observed).
- 5.9 The kitchen provides a variety of special diets including lactose free, non-fish, soft food, vegetarian, low fat, non-pork and allergy diets. Medical certificates are required for all non-religious special needs diets, and these are recorded and kept on file. The kitchen employs 32 prisoners (all of whom receive gratuities of between level one and three) and kitchen workers are required to work through weekends, public holidays and lock-downs. All of the prisoner staff have completed basic Food Star courses. The VSOs run TAFE Certificate courses in catering and commercial cookery. However, the kitchen manager is restricted in the extent to which he can fully train prisoners, as the limited gratuities allowance means they cannot provide prisoners with full apprenticeships. Two kitchen workers have nonetheless gone on to complete relevant qualifications upon release.
- 5.10 At the time of the inspection the kitchen employed 11 Indonesian nationals, some of whom had limited English language abilities. The kitchen has attempted to address this by providing Food Star safety and hygiene posters in Bahasa. Unfortunately, attempts to retain an interpreter for the prison have been unsuccessful. The kitchen therefore makes use of a VSO who has limited Indonesian language comprehension and of those Indonesian kitchen workers who have some English language skills. While the kitchen's improvisation in this regard is commendable, the safety of this method of communication cannot be guaranteed without the service of a trained interpreter.

Clothing

- 5.11 Prisoners at Albany receive the standard issue range of clothing, which is partially manufactured on site. Results from the pre-inspection surveys indicated that 63 per cent of surveyed prisoners were happy with the clothing issued at Albany Prison and 59 per cent were happy with the laundry services.¹⁹⁷

196 Hazard Analysis Critical Control Point is a risk management methodology used by the food and related industries for the control of food safety hazards to acceptable risk levels. See <http://www.haccp.com.au/>

197 These areas were not included in the 2008 pre-inspection survey.

Beds and Bedding

- 5.12 Results from the pre-inspection surveys indicated that 61 per cent of prisoners were happy with the bedding issued by the prison.¹⁹⁸ Albany utilises higher density foam for mattresses than that used at other Western Australian prisons, providing improved comfort and support. The workshop custom-makes specialised mattresses for prisoners who are overweight or have back problems. Furthermore, prisoners with particularly bad back problems may be permitted a second mattress. Therapeutic pillows are also available when medically necessary.
- 5.13 Bedding and linen is provided to all prisoners as per the Department's Policy Directive 19, and additional doonas and doona covers are available for purchase at the canteen.¹⁹⁹ This is a particularly good initiative considering the number of Indonesian prisoners at Albany who reported feeling the cold during winter.
- 5.14 The newly designed Unit Four cells provide roll protection on the top bunks. However, the position and angle of the steps up to the top bunk were still awkward and difficult to use, and would be unsuitable for use by a prisoner with physical difficulties brought on by age or injury.

PERSONAL PROPERTY AND PURCHASES

- 5.15 The reception building has been updated with a well-functioning compactus system for the storage and management of prisoners' property (including personal clothing), which is supported by a computerised records management system.
- 5.16 Prisoners are permitted items that have been sent to them, provided that they do not pose a security risk and that they are of cultural or religious significance. While religious items are readily identifiable, the question of what constitutes a 'cultural' item was problematic. Reception staff have discretion over such decisions and noted, for example, that they did not deem foreign pop music to be a relevant cultural item. Some foreign national prisoners have been dissatisfied with the refusal by staff to permit them access to CDs and DVDs from their home countries. Policy regulating the handling of prisoners' private property does not provide guidance on 'cultural' items. This should be addressed.
- 5.17 In line with the prison's hierarchical management system, prisoners are permitted a certain number of electrical items in their cells according to their unit. As this number is allocated per cell, not per prisoner, double-bunked prisoners in Unit One may only share three items between them, while a prisoner in a single-occupancy cell in Unit Three may have up to five items. Prisoners felt that the difference was too great. However, it was noted with approval that some leeway is afforded to electrical personal hygiene or grooming items, including hair clippers.
- 5.18 Albany restricts televisions permitted in cells to a maximum screen size of 15 inches. In other Western Australian prisons the maximum allowable screen size is 19 inches.²⁰⁰ This discrepancy has resulted in some prisoners who have brought televisions with them from other prisons being unable to have them in their cells.

198 Bedding was not included in the 2008 pre-inspection survey.

199 DCS, Policy Directive 19 – Prisoner Hygiene – Personal, Clothing and Bedding (Undated).

200 DCS, Albany Regional Prison, Standing Order: Number B4 – Prisoners' Private Property (3 February 2011) 9.

Purchases

- 5.19 Prisoner purchases are well managed. A large range of items is available through the canteen. A good town spends system provides prisoners in privileged accommodation areas to order a wide range of perishable and non-perishable items. Town spends are also available for prisoners in standard accommodation areas, although this does not include perishable items. The canteen profit is used for prisoner-related benefits such as the purchase of recreation equipment.
- 5.20 In the pre-inspection prisoner survey 72 per cent replied that they were mostly happy with the canteen service provided by the prison.²⁰¹ Inspection team members found the canteen service to be among best practice in the state's prisons. The inspection team was impressed by the range of items available for purchase. These included healthy options (e.g., muesli and yoghurt), sugar-free options (e.g., diet soft drinks), some recreation objects (e.g., sports shoes) and general prison canteen consumables (e.g., cigarettes and chocolate).
- 5.21 The Inspectorate observed that there was a strong monitoring process in place to prevent bullying and theft at the canteen area with officers strategically placed to observe the process. Further, only a handful of prisoners are allowed to enter the area at any one time thus avoiding lengthy prisoner queues which increase opportunities for intimidation and standover.
- 5.22 The canteen provides employment opportunities to two prisoners, both of whom receive level one (the highest paid) gratuities. These two positions are complemented by a part-time level one position which is held by a prisoner who divides his work between the canteen and the library. The high classification level of these employment positions in the canteen is appropriate given the responsibility that these positions hold.
- 5.23 The Inspectorate's *Code of Inspection Standards* on prisoner purchases requires that canteen services be linked to health promotion education to inform food purchase choices. Whilst there were health food options, there was no evidence of a systemic health-promotion campaign.

RECREATION

- 5.24 Although prisoners listed recreation as listed as one of the three most positive things in the prison in the pre-inspection survey, the survey also indicated a decline in the satisfaction levels since 2008 that may be attributed to overcrowding. However, all the prisoners interviewed during the inspection were complimentary about the recreation activities available.
- 5.25 Recreation includes a mix of structured and unstructured activities, and is well managed by two officers and a prisoner who assists with organisation. Structured recreation comprises football in winter and soccer and cricket in summer. There are also unit-based pool and darts competitions. Prisoners manage the practical arrangements of the organised activities.

201 This is in keeping with results from the 2008 pre-inspection prisoner survey which recorded that 79% of prisoners were mostly happy with the canteen service.

- 5.26 Most prisoners have access to the oval between 4.00 pm and 5.00 pm each day (see figure 6).²⁰² On weekends the oval's access hours are extended for structured sport activities. Inspection team members observed good supervision of the prisoners using the oval with officers walking around the oval and engaging with prisoners. Unit-based recreation options include static gym equipment, pool tables, dartboards and punching bags. However, the recreation equipment in the units is ageing and needs repair. At the time of the inspection there was no gym equipment in the new accommodation unit.



Figure 6: Recreation ground

- 5.27 There was a gap in the provision of passive recreation options for prisoners who do not want to engage in the organised sporting activities. Passive recreation options available were limited to Scrabble, playing cards and walking around the oval. At other prisons passive recreation includes activities such as yoga, tai chi, meditation and lawn bowls. Alternative forms of recreation and exercise would benefit elderly prisoners, prisoners reluctant to engage in either the unit-based activities/equipment or the structured sports games, as well as overweight prisoners.
- 5.28 The lack of integration of recreation with health services at Albany is a deficiency.²⁰³ The development of alternative recreation options should also include an analysis of the prisoner population health and fitness needs so that appropriate activities can be incorporated into the recreation program.

202 The exceptions are protection prisoners, and women.

203 One of the elements in the Inspectorate's Code asks that the range of recreational activities available reflect the various health and fitness needs of the most significant prison population segments. OICS, *Code of Inspection Standards for Adult Custodial Services* (April 2007) 70.

SOCIAL VISITS

- 5.29 In the pre-inspection prisoner survey, 75 per cent of respondents were happy with the respect shown to their visitors and 67 per cent were happy with the contact they maintained with their families through social visits; this was up from 50 per cent in 2008. Albany is also doing well with regard to external contacts and communication. The pre-inspection prisoner survey revealed improved satisfaction levels for the contact they have with their friends and family through the telephone and mail system. In 2008 these figures were 59 per cent for both telephone and mail contact. In 2011, 86 per cent were happy with the contact they maintained with friends and family through the telephone and 85 per cent with the mail system.
- 5.30 The visitors centre at the front of the prison is operated by an external contractor, Regional Counselling and Monitoring Services, which ran the centre voluntarily until funding was sourced. The centre was built in response to a recommendation made in the 2006 inspection and is well run.
- 5.31 There are daily visits sessions in the internal visits area, with increased sessions on the weekends.²⁰⁴ Some of these are designated as adults-only sessions providing the opportunity for those who are prohibited to have contact with children due to the nature of their offence to maintain their social connections. These visit sessions also allow a quieter visiting space for prisoners who prefer not to have their visit disturbed by noisy children.
- 5.32 Albany has a pro-social approach towards social visits. In particular, the rules around changing a nappy appeared less rigid than at other facilities. Some prisons terminate visits if a visitor has to change a baby's or toddler's nappy. Visitors (including children) have often travelled far to attend the prison; if the child needs a nappy changed during the visit they have to decide either to leave the child in the soiled nappy or change the nappy and terminate the visit. At Albany, however, the visitor is allowed to change a child's nappy, using a nappy provided by the prison, and may continue with the visit. This is good family-friendly practice.
- 5.33 The family visits days are another good pro-social practice. In 2011 there were four family visits days – during Easter, NAIDOC week, October and Christmas. Officers ensure these are fun, family-friendly events. At the time of the inspection, officers were collecting orders from prisoners for Christmas presents to be given to their children during the family visit, which they will purchase on behalf of the prisoners. These events are highly valued by prisoners and visitors.

204 The inspection team noticed that the outdoor visits area has been closed until further notice because of structural damage caused by recent new building.

Skype

- 5.34 A recent innovation introduced to the social visits system has been the use of Skype for social visit purposes. The Skype facility is frequently used by prisoners; prison records showed that on average the facility was used four times a day, with usage peaking on some days at eight. The Inspectorate has long advocated the use of different communication mediums to further facilitate contact between prisoners and their friends and families.²⁰⁵ The use of Skype is particularly valuable for prisoners whose social connections are remote. This Office was most impressed, therefore, with Albany's progressive uptake of this practice.
- 5.35 Social visits via Skype are not monitored so closely that conversations can be recorded, as they can with telephone conversations. Rather prisoners and their visitors are observed by officers at all times during the social visits' sessions. This level of monitoring is appropriate for such social visits.

Peer Support Team

- 5.36 Albany has a new PSO who is dedicated to the role and provides strong support for the team of peer support prisoners. However, team members reported feeling under-valued and unsupported by management because they are not paid for their peer support work. In order to earn money, the peer support prisoners have to find other employment within the prison and so peer support activities need to be scheduled around these prisoners' work responsibilities. Consequently, attendance at scheduled peer support meetings had become increasingly haphazard. If peer support events, such as attending meetings, conflict with the members' work obligations, the peer support requirements are understandably forfeited in favour of paid work.
- 5.37 The lack of gratuities for peer support, although at odds with practices at other prisons, is part of the 'Albany Way'.²⁰⁶ Prison management's reasoning is based on a desire to encourage a culture in which the motivation for peer support should be to help fellow prisoners, rather than to earn money. This falls within the prison's pro-social philosophy of rehabilitating prisoners within a community environment towards constructive re-entry into their post-release communities. However, this philosophy has created an opposition between self-interest (earning gratuities) and altruistic work (helping others).
- 5.38 The current peer support prisoners have all received training in suicide prevention strategies and working with prisoners with mental health issues. In any other industry area of the prison, prisoners are financially rewarded for work based on their training, qualifications and skills. The 'Albany Way' is at odds with the Inspectorate's standard requiring that an equitable gratuity system should reward prisoners for work according to level of skill and hours worked. Moreover, employing prisoners as peer support team members could free up some positions in other areas of employment and thereby help reduce underemployment at the prison. Prison management could either consider paid peer support positions or improve communication on the encouragement of community spirit.

205 See, for example, OICS, *Report of an Announced Inspection of Karnet Regional Prison*, Report No. 47 (October 2007); OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008); and OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 63 (April 2010).

206 At Bunbury Regional Prison, for example, all of the peer support positions are paid a level one gratuity.

Prison Forum

- 5.39 In May 2011, following encouragement from a prisoner and his peers, Albany established the Prison Forum. The forum involves monthly meetings between a group of prisoners and management to discuss prisoner-related concerns. Chaired by the Assistant Superintendent Prison Management (ASPM), meetings are attended by the PSO and other management representatives as appropriate. So, if an issue involves health services, for example, the Nurse Manager will attend. In this way, prisoners are getting responses to their questions or concerns from the appropriate managers.
- 5.40 The composition of the forum reflects the diversity of the prisoner population, including Aboriginal, Indonesian and other foreign national prisoners, long-term prisoners and prisoner representatives from each of the units. The outcomes of the meetings are recorded and distributed in the monthly prison newsletter. As a mechanism for communication between prison management and prisoners, it enables the prison to explain its policies and processes. Positive effects include reduction of misunderstandings about prison rules and a sense of agency achieved through self-representation. Consequently, prisoner morale has improved.
- 5.41 An additional important positive is the prison's practice of forwarding the meeting minutes to the Inspectorate. For prisoners, an independent observer adds to the transparency of the process. For the Inspectorate, the forum minutes aid the process of continuous inspection. By providing an avenue for prisoner-staff communication on administrative issues the forum also allows the peer support team to focus on providing support, rather than prisoner representation.

FUNERALS

- 5.42 Prison management control the initial stages of the funerals application process. The inspection found that this process was well managed at Albany with inbuilt accountability measures allowing management to track the progress of funeral applications. Sentence management, a division of the Adult Custodial directorate, is responsible for deciding whether a prisoner's funeral application is approved or not. The inspection team observed that often applications recommended by prison managers for approval are not approved by sentence management.
- 5.43 The inspection team did not receive many prisoner complaints about rejected funeral attendance applications at Albany. This seemed at odds with documentation indicating more refusals than approvals. It may be that Albany's better communication and empathetic practice around funeral arrangements has lessened prisoners' disappointment.

MAINTAINING SPIRITUAL CONNECTIONS.

- 5.44 Albany’s hardworking chaplains provide in-prison services as well as pastoral care for the families of inmates and throughcare services upon release. The chaplains facilitate services and arrange for visits from representatives of a variety of religious denominations. They also facilitate the distribution of religious publications and materials. The chaplains are keen to provide a greater prison service than their current part-time funding permits.
- 5.45 The chapel is a small room without a phone or computer, which is shared with the Senior Officer group. The small space restricts the size of services, some of which have to be held in the visits area. The provision of confidential counselling to prisoners is hindered by the lack of an office. The prison requires a larger room for religious services and an office or private room to enable one-on-one counselling. A new prison chapel should be included with the prison improvements described in Recommendation 1 of this report.

Chapter 6

HEALTH SERVICES

- 6.1 This chapter describes health service delivery at Albany. The inspection found that nursing staff were committed professionals doing their best in extremely challenging circumstances; however, the state of the health service reflects the negative impact of overcrowding. Despite the increase in prisoner numbers there has been little corresponding and necessary increase in supporting health services infrastructure and staffing. The health centre was not purpose-built and is no longer fit for purpose, and in real terms staffing has been reduced.
- 6.2 Service shortcomings identified at other prisons in recent inspections relate to resourcing; the appropriateness of screening and assessment tools; the adequacy of medication management, mental health, dental care, and the management of blood-borne viruses; and the appropriateness of care for Aboriginal patients. At Albany as at other prisons, these issues are impacting on optimum service delivery and outcomes for patients.
- 6.3 Healthcare for cultural and linguistically diverse groups at Albany is problematic in some areas. Healthcare provision for Aboriginal prisoners is particularly important at this prison because of the number of Aboriginal prisoners and the health problems caused by Aboriginal underemployment in the wider community. Another is the adequacy of health screening. The lack of information on the health of foreign national prisoners transferred to Albany is also of concern as is the interpretation needs specific to the healthcare of prisoners with a non-English speaking (NESB) background. These issues are discussed in this chapter.

THE DEPARTMENT'S HEALTH SERVICE DELIVERY FRAMEWORK

- 6.4 The Health Services Directorate is part of the Offender Management and Professional Development Division of the Department. It provides the human resource management and clinical management framework for health service delivery across the prison estate.
- 6.5 Albany provides daily nursing coverage either from 7.15am to 8.30pm or from 7.30am to 7.30pm, depending on staff availability.²⁰⁷ In-house services are provided by general practitioners, a visiting psychiatrist, clinical nurses, a mental health/co-morbidity nurse, and pharmacists. They are supported by a Senior Medical Receptionist. External services are provided by a dentist and dental nurse, and allied health professionals.
- 6.6 Prisoners have much the same range of health conditions as the general community. However, chronic disease conditions,²⁰⁸ mental health conditions, blood-borne viral disease, drug and alcohol addictions, and dental disease are common and more prevalent than in the general community. Albany's prisoner profile is changing, with an increasing number of older prisoners. At the time of this inspection, 23 prisoners were over 50 and four were over 60. The Department should be planning now for the effective health management of this increasingly significant cohort.²⁰⁹

207 If two staff are available, one will work from 7.15 am to 3.45 pm, and the other will work 12.00 pm to 8.30 pm. If only one nurse is available he/she will work a straight 12-hour shift from 7.30 am to 7.30 pm.

208 For example, diabetes, asthma, hepatitis and cardiovascular disease.

209 See also OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011).

HEALTH SERVICES

- 6.7 Across the prison estate and at Albany, care delivery is organised around four key areas: primary care, blood-borne viruses (BBV), chronic disease management (CDM) and co-morbidity²¹⁰ (which incorporates the management of mental health and substance addictions). All nursing staff, with the exception of co-morbidity staff, are responsible for primary care but may also hold responsibility for coordination and delivery of the specialist service areas of CDM and BBV management.

HUMAN RESOURCES

- 6.8 Albany's prisoner population has grown from 220 to 310 since the last inspection. At the time of this inspection, Aboriginal prisoners represented 32 per cent of the prisoner population while Indonesian prisoners represented 18 per cent. This profile provides relevant background to the examination of health services at Albany.

Resourcing for General Practitioner Services

- 6.9 At the time of the inspection, consistent arrangements for general practitioner (GP) provision at Albany were in limbo. The contracted practice had abruptly withdrawn its services some weeks prior to the inspection. In the meantime, pending the advertisement and appointment of a GP (on a 0.4 full-time equivalent basis), GPs employed by the Health Services Directorate were providing a fly-in-fly-out service two days a week.²¹¹
- 6.10 Assuming that the GP situation at the time of the inspection can be quickly resolved, the resources allocated provide for a GP for two full days a week and represent a significant increase since the last inspection. In 2008, the GP was engaged for two, three-hour sessions per week. Effectively, therefore, GP resourcing has been more than doubled to meet the increased demand. However, there has been no increase in nursing resources despite the population increasing by 90 prisoners since the last inspection in 2008.

Resourcing for Nursing Services

- 6.11 The current nursing services team comprises a full-time Nurse Manager (who also holds administrative responsibility for the management of health service delivery at Pardelup Prison Farm); two part-time primary care nurses (56 and 48 hours per fortnight respectively); a primary care/BBV nurse employed 48 hours per fortnight; and a full-time primary care/CDM nurse. However, the employment status of the nursing team is unstable, as a number of staff including the Nurse Manager are either acting, temporary or casual, and some are shortly expected to resign or retire.
- 6.12 The nursing team is supported by a full-time Senior Medical Receptionist. Pardelup Prison Farm also employs a Senior Medical Receptionist on a full-time basis, but it has only a quarter of the numbers of patients compared with Albany. This appears inequitable.

210 Co-morbidity nursing staff operate as a discrete, specialist team within the Health Services Directorate. They do not hold primary care responsibility and are remotely line-managed by a nurse at head office.

211 Twenty-four hour e-consult GP facilities are available on those days when there is no GP and outside of office hours.

-
- 6.13 The nursing team presented as highly competent and committed and prisoners were very complimentary in their comments about the staff. In the pre-inspection prisoner survey 63 per cent of prisoners rated the quality of the general health service as ‘mostly good’, representing a significant improvement on the 29 per cent in the 2008 survey.
- 6.14 Nonetheless, the under-resourcing of nursing staff inevitably impacts upon health service delivery. Indeed, of the 121 grievances lodged by prisoners at Albany during 2010–2011, the highest number (35) related to health services. Further, of 36 complaints lodged with ACCESS, four related to health.²¹² These numbers should not be seen in any way as a reflection on the nurses as professionals: the inspection team found that the nursing team was doing an excellent job in difficult circumstances.
- 6.15 Some of the consequences of under-resourcing include limitations on the ability of the nursing team to consistently meet acute/primary health care needs while maintaining their specialist clinic and care portfolio obligations. In the event that a staff member is on leave, with the exception of the co-morbidity/Prison Addiction Services Team nurse (who is exclusively employed to this portfolio), the nurses have to forfeit their specialist clinics and prioritise acute/primary care.
- 6.16 During the on-site inspection one staff member was on sick leave and the nurse with portfolio responsibility for chronic disease management had to extend her shift from eight to 12 hours and forego her specialist clinic in order to meet the acute/primary care demand. An analysis of TOMS medical status data (see table below) at the time of the inspection revealed that 59 per cent of prisoners had one or more diagnosed medical conditions that required ongoing monitoring and/or treatment. Therefore, to expect services to patients with chronic diseases to extend much beyond crisis management is unrealistic. Similarly, the BBV nurse, who works 48 hours per fortnight (three, eight-hour shifts a week) is currently overseeing Interferon treatment to eight patients, in addition to all the screening, education, and counselling responsibilities associated with the portfolio.²¹³ This is a significant workload, yet she is frequently drawn away from it to focus on acute/primary care imperatives.
- 6.17 Albany prison has a full-time Co-morbidity/PAST nursing position that takes responsibility for those patients who have alcohol and/or drug issues. Consistent with estate-wide arrangements for this position, this nurse works exclusively to this portfolio, is remotely managed and performs the dual roles of mental health/addictions nurse. However, the situation in terms of workload is not dissimilar to the BBV and CDM nurses.²¹⁵ At the time of the inspection, 105 prisoners were recorded as having a psychiatric disorder and/or a self-harm history. Fifty-eight were currently ‘active’ patients of the visiting psychiatrist.²¹⁶

212 DCS, pre-inspection documentation. A grievance is lodged with a prison officer and dealt with at a local level, whereas a complaint is lodged with ACCESS, the Department’s complaints body.

213 Interferon is commonly used in the treatment of hepatitis.

214 Information provided by the prison prior to the inspection summarised the client profile for co-morbidity services as follows: Between 1 July and 30 August 2011, 99 unique offenders were seen (31% of prison muster), with 367 occasions of service. The average number of consultations per offender is four per quarter. In July, August and September there were 29, 25 and 26 patients respectively on the pharmacotherapy program. Of 76 files audited, 38 (50%) were identified as experiencing both a mental health and a substance misuse illness; 28 (37%) were identified as experiencing anxiety and/or depression; and 16 (21%) were identified as experiencing a major mental illness.

215 Mental health register data for Albany prison provided at the time of the inspection.

HEALTH SERVICES

In addition, there were 25 prisoners on the opiate replacement therapy program. The eight patients in receipt of Interferon also require specialist and close monitoring because of the potential adverse impacts of the treatment upon mental health.

- 6.18 At the last inspection concerns were raised about the generalised lack of professional development and training opportunities for nursing staff. In particular, the Co-morbidity/PAST nurse had had no training or orientation for what was a newly established role. This situation has since been largely rectified and at this inspection, nursing staff interviewed expressed satisfaction with the professional development opportunities provided.
- 6.19 Apart from the issues regarding Saturday morning's dosage times, all prisoners on the opiate replacement therapy program generally expressed a high level of satisfaction with the program. This is impressive given the considerable workload of the Co-morbidity/PAST nurse.
- 6.20 Due to the workload the nurse has had to forfeit a specialised ten-module *Stages of Change* group program for patients with addictions with the potential to affect their chances of supervised release. Other activities that have either had to be forfeited or taken lower priority include release management support; post-crisis management support; and post-opiate replacement therapy program support.

TOMS Medical Status Data (25 November 2011)

| Disease | Number |
|-------------------------|---------------|
| Allergies | 49 |
| Asthmatic | 43 |
| Cardiac | 23 |
| Diabetic | 10 |
| Epileptic | 5 |
| Psychiatric | 56 |
| Self-harm history | 81 |
| Essential Medication | 90 |
| Intellectual Disability | 9 |
| Physical Disability | 14 |

Note: Confidentiality imperatives prevent the recording of BBV data on TOMS.

-
-
- 6.21 The temporary/casual contract renewal process for staff employed at Albany's health centre generally occurs on a three-monthly basis. Although the process has improved and can be completed in most part at local level, it remains 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 is also the case for GPs who may not have attended the centre for some time. This impacts upon the ability of health centre staff to record medical information and places continuity of care at risk.
- 6.22 In summary, the level of resources and the way in which they are currently allocated to nursing services allow for little more than crisis management. Furthermore, the uncertainty that accompanies the protracted 'temporary' nature of a relatively depleted staff group, whose focus necessarily is to manage from day to day, can put at risk strategic direction and service development, and adversely affect team morale, stability and cohesion.
- 6.23 Given the growth in prisoner numbers at Albany, the sufficiency of allocated primary and specialist nursing care resources should be comprehensively reviewed as a matter of priority.
- 6.24 In addition, the health centre requires adequate staffing for cleaning services. A prisoner is currently employed for one hour per day to clean the centre. However, the prisoner is not trained to clean to clinical standards and given the traffic flow through the centre, and the age of the building, equipment and fixtures, one hour is insufficient. This exposes the health service to risk in terms of the integrity of its infection control program.

Resourcing for Cultural and Linguistic Needs

- 6.25 As at the time of the last inspection, there was still no Aboriginal Health Worker at Albany. Although the number of Aboriginal prisoners as a proportion of the total population is not dissimilar to 2008²¹⁶ their actual numbers have risen from 83 to 102. With the increasing Aboriginal prisoner population one would expect there to be a rise, for example, in the number of Aboriginal patients being diagnosed with and treated for diabetes. However, of the ten patients currently at Albany diagnosed with diabetes, only three are Aboriginal. This represents three per cent of the Aboriginal population at Albany, and contradicts what we know about the prevalence of the disease in the Aboriginal population. According to the 2004–2005 *National Aboriginal and Torres Strait Islander Health Survey*, around 6.3 per cent of the total Indigenous population had diabetes. The age-standardised prevalence of diabetes among Indigenous Australians was nearly three times that of non-Indigenous Australians (11% and 4% respectively).²¹⁷ This discrepancy suggests that the health needs of Aboriginal prisoners at Albany may be under-serviced and that some prisoners may have undetected health conditions. Arguably, this is not helped by the predominance of females in the nursing team, with Aboriginal males – particularly those who do not originate from the south-west – often being reluctant to consult female staff.

216 Eighty-three of 221 prisoners were Aboriginal at the time of the 2008 inspection. See OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009) 6.

217 Australian Institute of Health and Welfare, 'Diabetes', <http://www.aihw.gov.au/diabetes/>

- 6.26 Ironically, the need to recruit Aboriginal Health Workers has probably not been helped by the provision of four years' funding by the Council of Australian Governments into area health authorities. These funds are to be used to employ Aboriginal staff to work with prisoners nearing release to ensure continuity of health care after release. At Albany this position has been appropriately filled by a re-entry service staff member, with strong community connections.²¹⁸ 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.
- 6.27 However, to its credit the Health Services Directorate has been providing cultural safety training to its staff and all Albany health staff have attended this training.²¹⁹ Furthermore, the Co-morbidity/PAST nurse has attended Aboriginal Mental Health First Aid Training. The provision of cultural competency training to health service staff is a welcome initiative and should be applauded, but it should be provided in addition to, rather than in place of, Aboriginal health staff.
- 6.28 Language barriers can prove particularly challenging when engaging with a patient about their health and Albany's nursing staff frequently use the telephone interpreting service to facilitate consultations with Indonesian prisoners. However, nurses explained that they lack confidence in the integrity of this process because the interpreters are not clinically trained and may not be sufficiently conversant with the terminology in the English language in order to be able to accurately translate the words into Bahasa. Nursing staff expressed concern that this impacts upon their ability to consistently and effectively identify and treat health issues.

Recommendation 11

Ensure sufficient and substantively appointed health centre staff, including nurses, a GP, and an Aboriginal Health Worker.

Resourcing for Dental Services

- 6.29 Securing and retaining a regular and reliable dental service was identified as an issue at the time of the last inspection. This inspection found that the situation had worsened because of the increase in prisoner numbers and the particular population profile, and because Dental Health WA has failed to ensure adequate staffing.²²⁰
- 6.30 The inspection found that 64 prisoners presenting with symptoms of dental pain at Albany were awaiting urgent treatment. The majority of these had been on the waiting list for several months. A further 50 prisoners were awaiting non-urgent treatment. The failure to appropriately resource a dental service to the prison significantly impacts upon prisoners

218 DCS News (6 February 2012).

219 The Nurse Manager provided this information during a telephone conversation in the week following the inspection on Monday 28 November 2011.

220 Dental Health WA is responsible for public dental healthcare in WA, including prisons.

from a wellbeing point of view; upon custodial staff from a prisoner management point of view; and upon the medical and nursing service, which is already stretched beyond capacity.²²¹

- 6.31 Dental Health WA schedules a dentist and dental nurse to visit the prison on a fortnightly basis; however, they had only attended 14 of the last 22 scheduled visits at the time of the inspection. Even if the dental service had been provided on all scheduled occasions the resourcing for Albany's dental care, with its particular population profile, was inadequate. Health staff expressed concern that even if the dental service was to be delivered on the planned schedule in future, the service would not be able to catch up with the backlog of treatment needs. Moreover, dental disease is known to be prevalent amongst Indonesian prisoners,²²² and Albany accommodates a significant number of this prisoner group. Resourcing of the dental service should therefore reflect the specific needs of the population.
- 6.32 Nurses explained that in the absence of a consistent dental service patients usually consult the GP. Frequently, and as necessary, the GP prescribes antibiotics and analgesia medication. However, often the infection and pain will return before the patient has been seen by the dentist and so such treatment has to be repeated.
- 6.33 Endurance of dental pain for protracted periods can test anyone, particularly those whose tolerance thresholds are arguably already compromised. Staff explained that the by-product of such pain symptoms often manifest in prisoners as unacceptable behaviour and ultimately may result in a prison charge and punishment. This seems unfair, particularly given that when the prisoner has been punished the 'trigger' for the behaviour may remain untreated.
- 6.34 The inspection team's interviews with prisoners revealed significant levels of dissatisfaction with access to dental services. Pre-inspection survey findings revealed a drop of 26 per cent in satisfaction with access to dental services since 2008 (from 47% to 21%). The Department could usefully attend to the best-practice example set by Acacia Prison where the provision of a full-time dentist and dental nurse is a particular strength of that prison's health service.²²³

Recommendation 12

The Department must ensure the provision of an adequate dental service, including emergency and acute care (whether provided by Dental Health WA or an alternative service).

Resourcing for Allied Health Services

- 6.35 A number of allied health services including physiotherapy, optometry and podiatry visit the prison on a regular basis. These services appear to be adequately resourced with monthly attendances by these services being sufficient to clear any waiting lists.²²⁴

221 Of five e-consults between 7 and 21 November 2011, two concerned acute dental issues. The following example drawn from an e-consult report illustrates the way in inadequate dental service impacts on prisoners, custodial staff and health service staff. On 21 November 2011 the health centre was contacted by custodial staff on the unit concerned about a patient who was 'on his hands and knees crying with a toothache'. Further to the e-consult, the GP prescribed antibiotics and strong analgesia.

222 Australian Government Department of Immigration and Citizenship, *Detention Health Framework – A Policy Framework for Health Care for People in Immigration Detention* (2007) 45.

223 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) viii, 38.

224 Waiting/appointment list data for optometry, physiotherapy and podiatry reviewed on site during the inspection.

APPOINTMENT SYSTEM

- 6.36 Since the last inspection, the system for accessing the health service has changed with the intent of making it more user-friendly. Previously, prisoners had to submit a written request on a designated form. This was problematic particularly for those prisoners whose literacy was limited, arguably affecting equity of access to health services. Now, each prisoner has a card with their own unique identifying barcode; when they wish to access the health service, they place the card in a locked box in their unit, which is cleared daily. Triage appointments with the nurse are then scheduled generally within 24–48 hours. Nursing staff advised that unit staff alert them to those patients who may require more-urgent attention.

CLINICAL SCREENING AND ASSESSMENT

The Process

- 6.37 Primary nursing staff see new prisoners as soon as possible after admission and conduct full assessments within 48 hours. A routine medical appointment is made with the GP within 28 days. During this appointment a full health check is carried out and further screening needs identified and implemented.²²⁵
- 6.38 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.
- 6.39 The initial nursing assessment tool facilitates screening for chronic disease conditions, such as diabetes, asthma, kidney and cardiovascular disease. However, testing for diabetes is only carried out on a voluntary basis. In addition, routine screening of prisoner prevalent diseases such as mental health conditions, blood-borne viral (BBV) disease (mainly Hepatitis C), and drug and alcohol addiction is also conducted.
- 6.40 Patients identified with chronic disease are commenced on care plans, which are intended to ensure follow-up is carried out on a regular basis and that health checks are completed and issues are identified in a timely manner. Nurses routinely screen new prisoners for alcohol and other detoxification issues, as well as for BBV conditions, history of intravenous drug use and any at risk behaviour. BBV testing is offered and if declined, is offered at annual review and opportunistically. Patients entering the system are also enrolled on the HIP-HOP program which provides education about the spread of BBV in relation to intravenous drug use, sexual contact and tattoo art. These sessions are provided by an external agency and a variety of written materials and pamphlets are also available.
- 6.41 Nurses provide health education on a one-to-one basis during specialist clinics. As mentioned earlier, however, such input may not be consistently maintained. Staffing shortages mean that specialist clinics are regularly cancelled. Nurses' educational input with patients often has to be opportunistic, rather than planned and structured interventions.

225 Testing for diabetes is only carried out on a voluntary basis.

Cultural Limitations of the Initial Clinical Screening Tool

- 6.42 As identified at other inspections during 2010 and 2011,²²⁶ screening for conditions other than mental health or drug/alcohol problems does not form part of the routine screening process.²²⁷ Detection of these conditions depends upon informal pick-up 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 behaviour issues may be misunderstood.
- 6.43 The Inspectorate has also found that the standardised initial nursing assessment tool takes no account of the predominance among different cultural/regional groups of conditions such as ear disease and hearing loss, which may cause communication, coping and behaviour problems. The prevalence of ear disease and hearing loss among indigenous people is well established²²⁸ and the Royal Commission into Aboriginal Deaths in Custody noted that there may be a connection between hearing loss and criminal behaviour.²²⁹ However, auditory testing and function does not form part of routine screening processes and no modifications to routine screening tools have been implemented in Western Australian prisons. From the Inspectorate's point of view, the most important point is that routine testing and necessary treatment should be carried out so that prisoners' understanding is improved and their responses and behaviour can be better understood and managed.

Transfer of Information from Immigration Detention Facilities

- 6.44 The Department for Immigration and Citizenship (DIAC) policy states that health discharge assessments recording the health conditions and ongoing treatments of prisoners moved from immigration detention to prison are provided to the prisons.²³⁰ However, the Department has stated that this does not happen in practice.²³¹ This lack of information sharing poses significant health risks.

226 See for example: OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010); OICS, *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 70 (February 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).

227 These may include potential communication, behaviour and coping problems such as acquired brain injury, intellectual disability, or disorders on the autistic spectrum.

228 The overall frequency of ear disease among Indigenous people in Western Australia is not known, but the 2004–2005 *National Aboriginal and Torres Strait Islander Health Survey* found that one in eight Indigenous people reported ear diseases and/or hearing problems. Ten times more Indigenous people suffer from ear disease and hearing loss than non-Indigenous people: Australian Bureau of Statistics, *National Aboriginal and Torres Strait Islander Health Survey: Australia, 2004–2005* (2006).

229 Royal Commission into Aboriginal Deaths in Custody, *National Report of the Royal Commission into Aboriginal Deaths in Custody, Volume 2* (1991) 16.5.8–16.5.16. The report discusses the prevalence of hearing loss as contributing to educational underachievement and poor self-image making. These were factors contributing to the over-representation of Aboriginal people in Australian prisons, and were discussed in relation to some of the Aboriginal prisoners who had died in custody.

230 Email forwarded from Assistant Secretary, Detention Health Services Branch, Department of Immigration and Citizenship (21 December 2011).

231 Information provided by the Health Services Directorate Director, email (5 January 2012).

- 6.45 The federal government's policy framework for health care in immigration detention identifies communicable diseases, particularly tuberculosis (TB), those which are sexually transmitted, and dental disease as being particularly prevalent amongst Indonesian prisoners. These prisoners generally come to prison via immigration detention centres. It is therefore likely that they would have been screened for these conditions prior to their imprisonment. DIAC has stated that:
- All IMA [Irregular Maritime Arrivals], including boat crew, undergo the same health and communicable disease screening measures, including for TB ... boat crew are not moved into the prison system until the health screening process is completed. If a person were moved to prison before TB screening is completed, and a positive result was returned, IHMS [International Health and Medical Service] would advise the state/territory government health service which would be responsible for contacting the prison and ensuring the person is managed appropriately.²³²
- 6.46 However, Albany's nurses receive no health information (including screening results and details of follow-up treatment) about these men upon or after reception into the prison system.²³³ Furthermore, although screening for sexually transmitted diseases is routinely offered as part of the initial clinical assessment process in Western Australian prisons, screening for TB is not. The nurses at Albany reported that they offer TB screening but only when particular symptoms present.
- 6.47 Prisons, particularly those which are overcrowded like Albany, are potential breeding grounds for TB, which can be spread through the air when a sufferer coughs or sneezes and has close daily contact with others.²³⁴ The prevalence of TB amongst Indonesian persons entering Australia without permission is well documented.²³⁵ If the Western Australian prison system accommodates these people it has a duty of care to modify screening processes to reflect their cultural backgrounds and needs. Failure to do so exposes these and other prisoners, staff and the wider community to significant risk. Continued inaction by the Department on this matter could prove catastrophic.

Recommendation 13

Actively seek and obtain comprehensive health information about foreign national prisoners on their transfer from immigration detention or other Commonwealth facilities.

- 232 Email forwarded from Assistant Secretary, Detention Health Services Branch, Department of Immigration and Citizenship (21 December 2011).
- 233 Following on from concerns raised at the inspection, the Health Service Directorate has been pursuing the issue with the relevant federal agencies, including: the Department of Immigration and Citizenship's Detention Health Operations; the Australian Federal Police 'People Smuggling' Department; and International Health and Medical Services. However, some issues remain. Information provided by the Health Services Directorate Director, email (5 January 2012).
- 234 Government of Victoria, Infectious Diseases: Epidemiology and Surveillance, <http://ideas.health.vic.gov.au/diseases/tuberculosis-facts.asp>
- 235 See for example, Northern Territory, Department of Health and Community Services, Centre for Disease Control, *Guidelines for the Control of Tuberculosis in the Northern Territory*, 4th Edition, (June 2008) 68–71.

MEDICATION MANAGEMENT

- 6.48 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. 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.
- 6.49 Albany nursing staff expressed satisfaction with the centralised pharmacy, commenting that it provided a prompt and efficient service, and was able to meet their supply and quality requirements. Plentiful supplies of Urgent Supply Packs and other medication items were also noted. Nursing staff explained that if an urgent need for an unstocked item arises they are able to source (via an e-consult prescription) the requisite medications from a local pharmacy.
- 6.50 Those patients prescribed Schedule Four and Schedule Eight medications (controlled drugs) attend the health centre at a time ordered by the GP. All other medications are administered on the nurses' medications rounds, which are generally carried out morning and evening. Nurses attend the units with the medication trolley under officer escort. They administer medications to patients outside each unit. Although under cover, they are frequently exposed to inclement weather, particularly in transit between units. The Nurse Manager reported that there are plans to use the prison buggy instead of the trolley to carry the medication. A parking spot will be created outside the health centre and storage compartments will also be modified in the buggy which will enable the secure transport of the medication blister packs.
- 6.51 With the exception of those on the opiate replacement therapy program,²³⁶ patients expressed satisfaction with medication management at Albany. Opiate replacement therapy program patients expressed concern about the time at which they receive their dose on Saturdays. During the week and on Sundays they attend the health centre at 9.00 am to receive their once-daily dose. However, on Saturdays this dosage time is put back to after 11.00 am, which is more than 26 hours since their previous dose. This is to allow for the completion of the medication rounds in the units, which take longer on Saturdays because the weekly supply of on-person blister packed medication is also distributed. Saturday mornings in the prison are also reserved for recreation and social visits. Those patients on opiate replacement therapy explained that they are unable to engage in these activities in any meaningful way because they are consumed with the discomfort of the onset of withdrawal symptoms. Nursing staff explained that they had not been aware of this problem but that they would seek to explore with adult custodial staff the viability of modifying their routines to better meet the needs of these patients.

MANAGEMENT OF PRISONERS AT RISK

- 6.52 The Department has implemented a range of interventions aimed at reducing suicide. According to the Department's suicide prevention strategy, these include such measures as a structured day; an anti-bullying policy; reception screening; orientation after reception; the provision of mental health staff; peer support schemes; chaplaincy; the Aboriginal Visitors Scheme (which provides support and counselling for Aboriginal prisoners); and

236 At any one time there are between 20 and 30 patients on the opiate replacement therapy program at Albany.

infrastructure (crisis care, modified ligature free cells, and ligature point reduction in accommodation blocks).²³⁷ Prisoners at risk of self-harm who cannot be adequately supported and monitored in the mainstream prison can be accommodated in an observation cell or alternatively may be transferred to Casuarina Prison's Crisis Care Unit or to hospital.

- 6.53 The At Risk Management System (ARMS) is a multi-disciplinary case management system for the identification, monitoring and management of prisoners identified as being at risk to self. Albany has traditionally had low numbers of prisoners on ARMS and low rates of self harm. As at 22 November 2011, there were only two prisoners on ARMS at Albany.
- 6.54 The Support and Monitoring System (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. These cases are subject to case conferences within the prison between custodial staff, health services, the psychological service and prison support services. There were 12 prisoners on SAMS at the time of the inspection.
- 6.55 Albany's Prisoner Risk Assessment Group (PRAG), respectively chaired and supported by the Assistant Superintendent Prisoner Services (ASPS) and an administrative staff member, and comprising health services clinical staff, counselling and chaplaincy staff, the Prison Support Officer, as well as unit senior officers, provides a team-based, integrated approach to the management of at-risk prisoners. The PRAG/SAMS team meets at least once a week and as soon as practicable after a prisoner is placed on ARMS. Proceedings are now recorded contemporaneously and electronically, which makes for inclusive, robust and transparent decision-making with all members of the team accountable.

Prison Counselling Service (PCS) – the Focus on Suicide Prevention and Self-Harm

- 6.56 Programs/PCS staff operate on dual Job Description Forms. At Albany there are five full-time positions, although at the time of this inspection only two were filled. Notionally the two post holders have split their workload so that one carries the programs load when a program is in progress and the other undertakes the PCS responsibilities.
- 6.57 The inspection found that, like other prisons, the core business of the PCS at Albany has been largely reduced to crisis management, undertaking risk assessment and management. Because of insufficient staffing, longer-term therapeutic work with prisoners is increasingly problematic. PCS staff's priority is now to undertake risk assessments on all new referrals, as well as risk assessments on all ARMS prisoners and to attend PRAG meetings.

BLOOD-BORNE VIRUS MANAGEMENT

- 6.58 Blood-borne virus (BBV) management – and in particular hepatitis C – is a major focus for prison health service provision, including at Albany. As explained earlier, new patients are offered screening and prisoners are required to participate in BBV education sessions. Hepatitis C positive patients assessed as eligible and suitable may commence a six-month or 12-month Interferon program. At the time of this inspection, eight patients were enrolled in the program.

237 Information provided as part of pre-inspection document request for the Bandyup Prison inspection conducted from 21 March to 1 April 2011.

-
-
- 6.59 Crowded environments and people in close day-to-day contact elevate the risks of BBVs spreading. Standard infection-control procedures should minimise these risks; however, nursing staff were aware of patients who had acquired the virus while in prison. That is not to say necessarily that the condition was acquired at Albany; it could have been during time spent at other prisons within the state.
- 6.60 Nursing staff at Albany commented that cases of prison-acquired hepatitis C provide a strong indication that prisoners are sharing needles and that this practice is endemic in the Western Australian prison system. The fact that targeted monthly cell searches at Albany between February and October 2011 turned up tattooing paraphernalia and/or needles/syringes each month except for February and July²³⁸ adds weight to these comments. The inspection team also found that a hairdressing service is not provided at the prison, and staff reported that prisoners use and share clippers to cut their hair.
- 6.61 Albany's custodial staff do not advise health staff of new tattoos on prisoners, or of finding syringe/needle/tattoo paraphernalia in cells. Opportunities for nursing staff to re-offer screening and education and to prevent infection spread may therefore be missed. Moreover, while hepatitis C is a disease reportable to the Health Department of Western Australia, there is no Health Services Directorate requirement to report new cases to the Directorate. As a consequence, the opportunity to evaluate the effectiveness of infection control or harm minimisation strategies and to identify improvement strategies at prison and estate-wide levels is missed.
- 6.62 Discussions with both custodial and nursing staff during the inspection indicated a strong commitment to a more integrated approach to harm minimisation strategies. This is welcome and should be encouraged. Provision of an on-site hairdresser, procedure and practice review, and improved communication between divisions could go some way to enhancing the effectiveness of the harm minimisation strategies at staff's disposal.
- 6.63 However, relative to the wider community, the suite of harm minimisation strategies in Western Australian prisons is somewhat limited. For many years those in the broader community of Australia, 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.²³⁹ The Australian National Council On Drugs recommends that a prison needle exchange program be trialled;²⁴⁰ however, this is yet to be instituted in any Australian prison.²⁴¹

238 Information provided by the Security Manager during the inspection.

239 Research has shown that needle and syringe programs in Australia have been hugely successful both in terms of financial savings and health benefits: Australian National Council on Drugs, *Needle and Syringe Programs*, Position Paper (2002); Commonwealth of Australia, Department of Health and Ageing, *Return on Investment in Needle and Syringe Programs in Australia* (2002).

240 Commonwealth of Australia, Department of Health and Ageing, *Hepatitis C Prevention, Treatment and Care: Guidelines for Australian Custodial Settings: Evidence Base for the Guidelines*, <http://www.health.gov.au/>

241 The Inspectorate notes that the ACT government intends to introduce a needle exchange program at the Alexander Maconochie Centre: ABC News (29 July 2011), <http://www.abc.net.au/news/2011-07-29/jail-needle-exchange-support/2815572>

- 6.64 The federal Department of Health’s guidelines on the prevention of hepatitis C in custodial facilities, suggests that in the absence of a needle exchange program it is ‘critical’ that bleach is made readily available and used effectively (that is with education about its proper use) to clean equipment, spills and contaminated surfaces.²⁴² This may also provide a way of identifying an at risk group for targeted education and health services.²⁴³ The guidelines also require that more resources should be invested in education and drug treatment programs. In view of the evidence of prison-acquired hepatitis C cases identified at Albany and at a recent Bunbury inspection, there would seem to be a need to consider taking such action.²⁴⁴

OCCUPATIONAL SAFETY AND HEALTH (OSH)

- 6.65 The prison had an Industries/OSH officer until July 2011. Although the prison has approval for the position, it has not been funded since July when the position was due for renewal. In the absence of the OSH officer, Albany lacks staff who are sufficiently trained in OSH.²⁴⁵ Staff acting voluntarily as OSH representatives meet on a monthly basis to discuss OSH issues and responses and deal with issues promptly and effectively. The prison is progressing work required in the workshops including repair of holes in the roof and rotted walls and provision of additional drop-down electric points. However, the spray-painting booth is not OSH compliant. The prison is aware of the problem but cannot afford to stop using it (the price of outsourcing would make the business untenable). The workshop expansion plans include a new OSH-compliant booth.

Recommendation 14

Ensure that sustainable occupational health and safety arrangements are in place and that identified hazards such as the spray-painting booth are appropriately managed and rectified.

242 Commonwealth of Australia, Department of Health and Ageing, *Hepatitis C Prevention, Treatment and Care: Guidelines for Australian Custodial Settings: Evidence Base for the Guidelines*, <http://www.health.gov.au/>

243 Spreadsheet records recorded and provided by the Security Manager at the time of the inspection.

244 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011).

245 For example, the Business Manager has only had a one-day training course, completed in 2008, while OSH representatives have completed a one-week course. This enables them to contribute to OSH reporting, but is not enough to provide the OSH leadership that would enable the prison to ensure compliance with legislation.

Chapter 7

EDUCATION, PROGRAMS, WORK AND REINTEGRATION

- 7.1 This chapter examines the elements that contribute to a prisoner's potential progression towards successful re-entry into the community, and thus work towards reduced recidivism and enhanced community safety. The chapter starts by examining the work of the education centre before looking at programs delivery, employment and training, and the cooperative work of transitional management and re-entry services at Albany prison and in the community.

EDUCATION

- 7.2 The education service at Albany is functioning well and has a dedicated team of staff who work well together. Low education participation rates observed at the last inspection have been resolved and much larger class groups are now engaged in most activities.²⁴⁶ A wider range of activities in the vocational skills workshop expands the number of students who can access education and training. There have been major increases in course offerings especially at Certificate III or IV levels. Some of these offer interesting new alternatives to inmates such as the Certificate III in Mentoring designed to skill Aboriginal people to support others; Certificate IV Training, Education and Assessment (required for entry level staff in the vocational training sector); Certificate III/IV/Dip Occupational Health and Safety; Piano and Certificate II in Music. Particularly positive developments include the new non-accredited courses on Noongar language and Maori language. The opportunity to engage in activities such as card making and the Indonesian choir are also commendable additions.
- 7.3 In August 2011, 54.5 per cent of inmates were enrolled in an average load of 5.7 units each. Despite the wider range of courses available at higher levels, completion rates are still strong with 58.9 per cent successful unit completions during the reporting period September 2010 to August 2011. This strong performance is supported by the results of the August 2011 prisoner survey which found that 81 per cent of prisoners think education will help their future, up from 50 per cent in 2008. Thirty-three per cent nominated education as their main activity, up from 23 per cent in 2008. Many prisoners mentioned enjoying education in their comments to inspection staff.
- 7.4 The key factors that underpin the education centre's current performance are the ongoing strong relationship with the local TAFE (now known as the Great Southern Institute) and their use of all the TAFE hours available – the first time this has been achieved at Albany. The increased population has enabled sufficient numbers for the increased delivery.
- 7.5 There has been an increase in vocational programs and traineeships.²⁴⁷ There were 11 trainees at the time of the inspection and a total of 23 enrolled for the 12 months from September 2010 to August 2011, about double the numbers achieved at the last inspection. Many of the vocational students are focused on higher levels of qualifications (at Certificate III and above) including Certificate III in Mentoring.

246 See DCS, Albany Regional Prison, Education Centre class list for week starting 14 December 2011 and week starting 21 December 2011.

247 See DCS, Educational and Vocational Training at Albany Regional Prison (November 2011).

Staffing

- 7.6 Staffing is one of the major issues facing education. While the prison’s population has nearly doubled in size, thereby increasing the demand for education services, education staffing has remained the same with the slight exception of extra casual hours for the administration officer. There is no Aboriginal Education Worker and a Prison Education Coordinator position remains vacant and unadvertised. Moreover, the Education Manager still is acting as campus manager after many years in the role. The Manager is under increased pressure as not only is there more education delivery at Albany, but there is now a fully staffed education centre at Pardelup reporting to a different superintendent, which he is also responsible for. The travel between the two centres reduces the time that he can offer to reduce the pressure on the Albany staff.
- 7.7 Factors also exacerbating the demands on the full-time staff are the need to maintain high levels of internally staffed delivery to cater for foreign nationals who are not eligible to do traineeships or TAFE courses due to state government funding guidelines which require international students to pay full fees for courses offered by state training providers. The majority of these inmates speak English as a foreign language and need to learn to communicate in English and to learn how to operate in an alien cultural context.
- 7.8 There is a high need for a Prison Education Coordinator (PEC) with a focus on ensuring that a full-time program of basic education especially English language literacy and numeracy exists for all prisoners. Apparently, a position exists for a third PEC, but it has not been budgeted for or advertised. At present, too much time is consumed in managing printing and research for external students. Much more time needs to be devoted to direct assistance to students, particularly those with language literacy and numeracy development imperatives.
- 7.9 The administrative support staff member now works full time due to the increased student numbers but only 0.6 is allowed for under the FTE arrangements and thus the rest of the salary is paid at casual rates. If this position were extended to full time, it would result in a cost saving as the casual hours are paid at a higher rate. The staff member would also benefit from increased leave benefits and security.

Recommendation 15

Ensure the education centre is fully and substantively staffed, including increased education coordination and administration support.

Access to Computers

- 7.10 There are serious deficiencies in students' access to computers for educational purposes. Albany has at least 160 students in education each month, including 30 in full-time studies. Even the full complement of 20 computers is inadequate for such numbers. However, five of the allocated computers were away for repair during term time. The education centre currently has 16 computers available to inmates, 10 in the computer lab, five in the self-study carrels and one for legal use (which cannot be used for study purposes).²⁴⁸ Three of the self-study computers are assigned permanently to specific full-time students, leaving all other students competing for the use of the other two computers. This level of resource competition is liable to act as a major deterrent to study and progress.
- 7.11 Computer software also needs to be urgently updated as learning resources are no longer available for the versions used on the computer system. TAFE is now using Microsoft Office 2010 while the corrections education systems are using Microsoft Office 2003 (two versions behind). TAFE staff spoken to during the inspection were concerned that offering out-of-date training diminishes the value of the training to prisoners as an employment skill.

Recommendation 16

Ensure the provision of sufficient computers and up-to-date software for educational purposes.

ASSESSMENTS

Sentence Management

- 7.12 Albany mainly accommodates prisoners from the metropolitan prisons: only a minority are received from the Great Southern region. Because most prisoners have already had their Individual Management Plans (IMPs) prepared at metropolitan prisons, Albany's prison assessments team only prepared 26 new Individual Management Plans in 2010–11. The IMP determines the prisoner's initial placement, their schedule of intervention programs, further placements for programs and security re-classification. IMP Reviews are conducted every six or 12 months, depending on length of sentence.
- 7.13 Just over 400 IMP Reviews were completed in the year to 31 October 2011. Case conferences involved discussion of the draft IMP. On occasion, amendments were made following expression of the prisoner's viewpoint. This positive involvement of the prisoners meant they understood and had a stake in their plan.
- 7.14 At the time of the inspection, case conferences were about three months behind the review dates, which in a couple of cases may have delayed a prisoner's progression to minimum security. This reflects the Department's overtime reduction strategy, in which 'non-essential' staff are cross-deployed to cover custodial shift shortages. Albany's report writers were often cross-deployed in this manner. The writing team estimated that they were only able to work in their positions 45 per cent of the period from February to October 2011.

248 Five self-study carrels had no computer at the time of the inspection, though the Department lists all 10 study carrels as being equipped with computers. Data derived from DCS, Albany Regional Prison PASC minutes (4 July 2011); OICS Pre-inspection Document Request, memo from the DCS Acting Director Offender Services on 7 October 2011.

- 7.15 Despite the cross-deployments, the writing team ensured essential reviews including initial IMPs and parole reports were done in a timely way. Case management contract reports, funeral reports and others generated by unit staff were also up to date. The writing team must be commended for their impressive work ethic in this regard. In November, the prison limited cross-deployment to only one writer. Since then the team has made up the lost ground on IMP reviews.

OFFENDER PROGRAMS

- 7.16 As a dispersal prison which accommodates a number of long-term prisoners, Albany provides intensive programs, including those for substance abuse and violent offenders. Delivery of the Pathways program (for prisoners with substance-use histories linked to serious offending) is contracted out to the Regional Counselling and Mentoring Services.²⁴⁹ This agency is experienced in delivering this program and prisoners seemed positive about the program. The agency's responsibility for re-entry services meant that local prisoners completing Pathways had continuing support before and after their release.
- 7.17 Delivery of the Violent Offender Treatment Programs (VOTPs) by the Department's programs branch has been problematic. One VOTP was completed in 2010 and another in 2011; however, these both ran late. At the time of the inspection, a VOTP originally scheduled to run in 2010 was being delayed until 2012. Such delays are hindering the Department's ability to meet the demand for intensive violent offender programs.
- 7.18 The downstream impacts of delays in treatment programs include reduced opportunity to achieve a reduction in security classification which is a prerequisite for transfer to a minimum security prison or a work camp; for involvement in external work, training or recreation activities; or for home leave. In addition a number of prisoners did not receive the treatment for which they had been assessed, and subsequently had their parole rejected. Changes in VOTP schedules also cause staff scheduling problems, as a prison officer has to be assigned exclusively to this program for six months or more.
- 7.19 The Department suffers from difficulties attracting and retaining qualified staff either for the Prison Counselling and Programs Officer positions or as contract facilitators. At the time of the inspection, only two of the four Prison Counselling and Programs Officer positions were filled, one of whom was on long-term sick leave.
- 7.20 As part of a reorganisation within the Offender Management and Professional Development Division of the Department, a Regional Program Delivery Manager based at Bunbury Regional Prison was recently made responsible for programs and prison counselling services at Albany. The position of Supervisor at Albany – created to provide local clinical supervision, coordination and support – is a positive reform. The Manager had recently advertised the three vacant positions and an expression of interest has been circulated among qualified local clinicians who may be able to assist in co-facilitating programs on a part-time basis.

249 The Department monitors the quality of supervision for facilitators and outcomes for prisoners.

INDUSTRIES, EMPLOYMENT AND TRAINING

- 7.21 The 2009 inspection report described ‘a significant shortfall of meaningful and constructive work and educational activities, particularly for Aboriginal prisoners and those with little or no work skills’.²⁵⁰ Since then the population has increased from 220 to 310. Although there had been an increase in the number of Vocational Support Officers from 20 to 29, there has not been any significant increase in infrastructure for prisoner employment since the last inspection. Consequentially, approximately 40 per cent of prisoners remain underemployed and the work day for prisoners remains a short five and a half hours.
- 7.22 There is a strong emphasis on production in the workshops and some innovative products that either reduce costs through cheap supply for use within the prison system, or accrue funds through external sales. The upholstery workshop, for example, has developed higher-density foam mattresses, which are being used for new bed installations in prisons across the state. Numbers employed in workshops are generally quite small, and with the emphasis on production, most prefer to employ prisoners with a good external work history, including Indonesian prisoners. The emphasis on production needs to be balanced by the provision of meaningful work experience and training opportunities, and be targeted to prisoners in need of development.
- 7.23 Several workplaces help reduce costs by providing services including the laundry, kitchen, library/canteen and the gardens. These can also provide meaningful work opportunities. Those in the kitchen and gardens also have opportunities for certified training. At the time of the inspection the prisoners’ own units notionally provided employment for a further 78 prisoners. However, in reality, few unit workers have to work more than an hour per day. Nor is it possible to properly supervise or account for so many tasks. Most unit work does not constitute meaningful employment.
- 7.24 Some excellent training is provided through education at Albany. Occupational Safety and Health training is provided in the vocational skills workshop. The vocational skills workshop also has a food science program in the kitchen and offers certificate training for some kitchen workers. There were only limited pathways operating into workshops. A welding course offers a potential pathway into metalwork, but there was no particular process to stream graduates into the vocational skills or metal workshop full time. The prison has created a Movements/Employment Officer position which would better manage prisoner access to employment if the prison is allowed to fill the position.
- 7.25 The expansion of the market gardens both internally and externally was perhaps the most significant change in industries since the 2008 inspection, although most workshops had also enjoyed renewal of some machinery. The VSOs were generally also more positive, in part due to marginally better facilities, such as networked computers with TOMS in every workshop office, but more importantly due to regular meeting with administrative staff in the months leading up to the inspection.

250 OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 60 (April 2009).



Figure 7: Prison market gardens

- 7.26 As noted above the prison has recognised the inadequacy of the workshops and developed sensible plans to increase their size and diversity.²⁵¹

PRE-RELEASE AND TRANSITIONAL SERVICES

- 7.27 Albany Prison continues to be well served by an effective and innovative re-entry program operated by Regional Counselling and Mentoring Services (RCMS). The relationship between this re-entry service provider and the prison is of a best-practice standard, and in November 2011 RCMS awarded the prison a certification in recognition of the longstanding co-operative relationship between the prison and the agency. Numbers engaged in this program are small. This means, in effect, that Albany's ability to provide throughcare is restricted by the lack of a minimum security facility, which would enable more re-entry work. That lack contradicts the prison's philosophy of community spirit.
- 7.28 The prison provides good accommodation for RCMS re-entry staff, and for the Life Skills and Pathways programs. RCMS staff reported their approval of the two dedicated rooms which were set up for the Pathways Program. However, access to another room would enable greater privacy and flexibility, and facilitate a doubling of their services to the prison. Several other service providers also spoke of problems obtaining suitable space to deliver their services.

251 See 1.30 and Recommendation 1.

- 7.29 Albany prison also benefits from having a Senior Prison-based Community Corrections Officer who case manages lifers, prisoners on other indefinite sentences, and those who present a high risk of harm if released, a minimal capacity to care for their own needs and are likely to be released to some form of supervision.

Re-entry and Release Preparation

- 7.30 The position of Transitional Manager has evolved in cooperation with the work of the RCMS. The Transitional Manager provides a range of services including liaison and problem-solving with various external agencies, assistance with parole plans and coordinating various programs and activities to support reintegration back into the community. Access to Commonwealth agencies and state government agency services is also facilitated by the Transitional Manager. Liaison is also provided to legal services, job network agencies, Anglicare, and the Children's Contact Service. The Transitional Manager also coordinates a number of prisoner programs including parenting, healthy relationship, substance abuse and employment support programs.
- 7.31 Albany's Transitional Manager assists prisoners to work through their issues with a number of agencies, in a way that is rarely systematically available in Western Australian prisons. For example, she has assisted in providing information and making arrangements for those involved in Family Court proceedings, in recovering property held by the organised crime unit, paternity DNA testing, and with immigration issues (including applications for asylum). The Transitional Manager also supports prisoners in developing parole plans through the pre-release form issued three months prior to their anticipated release. This is often left to peer support prisoners in other prisons. The Transitional Manager also facilitated Narcotics Anonymous meetings, which could not attract external support but was badly needed by some prisoners.
- 7.32 RCMS provides individual re-entry support from six months prison prior to anticipated release and six months or more after release. The service also provides remand re-entry support, transitional accommodation support (providing four properties locally) and clothing vouchers. Pre-release programs provided by RCMS include lifeskills modules, a drug relapse prevention program, an anger management program and intensive substance-use programs.
- 7.33 In the year to 31 October 2011, only 166 releases were from the prison, few of which were released to Albany and surrounding districts. Consequently, in the first six months of 2011 RCMS was involved with only ten releases of prisoners to the Great Southern Region. However, the agency progressed a high volume of re-entry work, including 65 prisoner interviews, three life-skills workshops, 330 prisoner pre-release contacts, and 281 post-release contacts with former prisoners. Another 219 contacts were made indirectly, for example, to other agencies on a prisoner's behalf. Some of RCMS's work involves connecting prisoners with re-entry and accommodation support programs in other regions (for example, with Outcare in Perth), as well as re-entry services for Pardelup Prison Farm and Walpole Work Camp prisoners.

- 7.34 An excessively high numbers of parole rejections represents a significant impost on re-entry agencies such as RCMS. In many cases work progressed on pre-release support has to be duplicated six months prior to the end of a prisoner's sentence.
- 7.35 RCMS's facilitation of the Pathways program provides the opportunity for continued support and maintenance pre- and post-release. The post-release 'Innovation' program provides social evenings for released prisoners and their families, including barbeques and other recreational activities and joint participation by families and ex-prisoners in lifeskills programs. This provides a valuable complement to individual post-release or transitional accommodation support services.
- 7.36 Both RCMS and the prison advocate the use of the Rickter system which aids prisoners in taking self-responsibility and managing their progression towards successful re-entry.²⁵² RCMS uses the system with Albany prisoners, but its use is not funded by the Department. This is unfortunate as the program is a helpful supplement to other programs such as Pathways.

SUSTAINABILITY

- 7.37 Albany's sustainability plan seeks to achieve its aim of maximum possible self-sufficiency and environmental responsibility by 'utilising the use of recycling and self-sustainable strategies that incorporate all facets of prison operations including product consumption, waste management, functional design, office/inmate cooperation, employment, training, education, equipment and infrastructure'.²⁵³ The prison has made some progress towards its aims. These include significant landfill reduction through the delivery of kitchen waste, cardboard and paper to the local council recycling depot (after mulching, composting and sorting) and scrap metal to a local scrap metal merchant. Recycling at Albany is still developing and wood, glass, plastic and batteries are all subject to future plans for recycling.
- 7.38 Albany's gardens are a key part of its sustainability program. Kitchen waste, paper, cardboard and sawdust are composted to 'improve garden soil fertility and water retention capacity'.²⁵⁴ The garden products are used to help feed the prison population thus reducing prison costs and the prison's carbon footprint (via the reduction in transported vegetables). This ability has increased significantly since the last inspection with the expansion of both the inside and outside gardens. The prison has also achieved a 36 per cent reduction in water use (per head) through the enactment of water-wise principles. Further improvements are scheduled through the use of bore water and grey water.

252 The Rickter system involves self-monitoring as prisoners work through anger management and relationship issues.

253 DCS, Albany Regional Prison, 'Self-Sustainability and Environmental Statement 2010–2011'.

254 Ibid.

Chapter 8

EVALUATING THE 'ALBANY WAY'

OVERALL INSPECTION FINDINGS AND CONCLUSIONS

- 8.1 The previous three inspection reports on Albany all found the prison to be well managed, and its practices to be amongst the best in the state. This report found that Albany remains a well-managed prison with best-practice standards. Prison management has demonstrated strong and innovative leadership in the period since the last inspection. Consequently, Albany's record of healthy staff and prisoner relations based on pro-social principles of dignity and respect and the securely open campus have been maintained.
- 8.2 Since the previous inspection Albany has had a large intake of new staff. Despite the onerous workloads caused by overcrowding and the restrictions on staff overtime, these new staff are being well integrated into the good prison practices that constitute the 'Albany Way'. Although the prison enjoys a good satellite training service, staff access to mandatory and specialised training and to academy-based training in particular is inadequate.
- 8.3 This report inquired into whether the Department and prison are adequately managing the prison's large and diverse population, in light of its complex roles and functions. The Inspectorate found the prison was overcrowded, and handicapped by its inadequate infrastructure – including its accommodation, education, health and industrial facilities. The report found these are longstanding limitations that have become increasingly problematic as the prison population has grown to its current population of 310 prisoners.
- 8.4 With the imminent opening of the newly built accommodation unit, the prison has a chance to reinstate its hierarchical management system whilst maintaining its equitable management of cultural diversity. This would be especially advantageous for the progression of well-behaved Aboriginal prisoners who prefer to be accommodated together and resist accommodation placements that separate them. This new accommodation unit also creates opportunities for the prison to overcome the overcrowding in other units, to provide appropriate specialised accommodation, including a Drug Free Unit, and better accommodation for protection prisoners. The achievement of these outcomes, however, depends upon adequate resourcing to ensure all four accommodation units can operate.
- 8.5 The Inspectorate found that educational, health and industrial services are provided by committed and capable staff who have displayed care and initiative in the last three years. Education has delivered more well-targeted training and education since the last inspection, and has displayed innovation in its facilitation of non-accredited courses. Despite these improvements, the prison is hampered in its ability to raise the standard of prisoner education and training by having an education facility that is too small and poorly designed, by being insufficiently staffed, by the need for more support to cater for non-English speaking background students, and by the lack of computers and up-to-date software.
- 8.6 Prison overcrowding has had a negative impact on health services. Health staff have provided care under difficult conditions that include understaffing and inadequate health centre facilities. Consequently, they are only able to provide basic prisoner health care (including mental health care). In these circumstances, it is commendable that the number of prisoners who thought that health services were mostly good had more than doubled since the previous inspection. Professional development opportunities for nursing staff had also improved since the last inspection.

-
-
- 8.7 This inspection found that health areas requiring improvement included specialist nursing services and the management of chronic disease, blood-borne viruses, and culturally appropriate screening and assessment tools. The Inspectorate also found that the lack of information on the health of foreign national prisoners transferred to Albany is of particular concern as is the need for health-literate interpretation services for Indonesian prisoners. The introduction of the Aboriginal Health Transition Program is a welcome improvement, but dedicated Aboriginal health staff are still required.
- 8.8 The Department's failure to ensure that Dental Health WA provides adequate dental services to prisoners at Albany is a longstanding problem that has worsened since the last inspection. Worryingly, the Inspectorate could find no evidence to suggest that the Department has viable plans for its improvement.
- 8.9 The Inspectorate found that the industries VSOs have shown good initiative in generating business and making improvements to their workshops. Albany's industries and market gardens are making a valuable and growing contribution to the prison's finances, and to the employment and training needs of the prisoner population. However, the competency and commitment of the prison's staff has not been matched by sufficient and appropriate infrastructure and the prison therefore remains incapable of overcoming chronic prisoner underemployment.
- 8.10 This report inquired into prison and departmental support for the specific needs of Aboriginal prisoners. Underemployment and disengagement are chronic and longstanding problems for Aboriginal prisoners at Albany. Prison management has sensibly targeted employment as the key area of throughcare intervention for this prisoner group. Prison management's plan to expand industries and provide an Aboriginal arts workshop are key initiatives that will, if funded, increase the number of Aboriginal people meaningfully engaged in employment and training. This report notes that cooperation with community stakeholders in the Prisons Aboriginal Service Committee (PASC) and Indigenous Employment Program are promising developments. The Department's management of the PASC process and efforts aimed at securing Commonwealth funding for a work camp that would be socially and culturally appropriate for Aboriginal prisoners from the Great Southern catchment area are commendable departmental initiatives.
- 8.11 Tied to the focus on improving employment and training amongst Aboriginal people, the prison is taking a multifaceted approach to addressing the disengagement of this group from constructive activity. This includes work on improving cultural ties, enhancing positive self-identity, challenging negative behavioural patterns, providing pro-social Aboriginal role models, and supporting Aboriginal prisoners' sense of empowerment and agency. Perhaps a small sign of promise for improving social and cultural engagement occurred shortly after this inspection when more than 90 per cent of the prison's Aboriginal population attended a barbecue for the launch of the new Aboriginal Health Transitional Program and the employment of a local Noongar facilitator. The momentum of this positive social and cultural engagement needs to be supported by appropriate prison infrastructure. Each of the recommendations made in this report regarding improvements for accommodation, education, health and industries are vitally important in this regard.

-
-
- 8.12 Displaced Aboriginal prisoners should not be accommodated at Albany, where they are too far from social support networks and appropriately designed prison services. While the Department continues to place such prisoners in Albany, their management requires improvement. This group suffers from greater disengagement from prison processes including employment and training than the south-west Noongar prisoners. This prisoner group is also housed in the worst standard of accommodation at the prison. With the opening of the new accommodation unit, the prison should focus on progressing these prisoners to better accommodation as a group, or enhancing their accommodation by alleviating overcrowding.
- 8.13 Six of the recommendations made in this report relate specifically to the management of Aboriginal prisoners and require culturally appropriate staffing and training. The Inspectorate recommends that the Department employ an Aboriginal Education Worker and an Aboriginal Health Worker (Recommendations 6 and 11). It also requires that prison staff have appropriate language and cultural awareness training, and First Aid Mental Health Training for Aboriginals and Torres Strait Islanders (Recommendation 3). Further recommendations implicitly include a need for culturally appropriate staffing. These include the provision of an Aboriginal arts workshop (Recommendation 4); socially and culturally appropriate work camps (Recommendation 5); and support for displaced Aboriginal prisoners (Recommendation 7).
- 8.14 This report also inquired into prison and Department's support for the specific needs of foreign national prisoners. The Department has yet to provide and implement specific policies for prisons' management of foreign national prisoners, and needs to update its *Substantive Equality Policy* to reflect a focus on cultural and linguistically diverse prisoner groups. Such policy frameworks require some focus on positive integration amongst different ethnic groups. Nonetheless, Albany does a good job of supporting foreign nationals within existing departmental policy. Foreign nationals indicated they felt safe and generally content at the prison, and enjoyed culturally appropriate spiritual care and food. The prison has also improved communication support (introducing Skype for remote social visits). However, there are serious shortfalls in language and translation services.
- 8.15 Indonesian people represent the largest cohort of foreign national prisoners at Albany. This group share the benefits and shortfalls of the Department and prison's management of all foreign national prisoners. The practice of facilitating Indonesian prisoners' desire to be accommodated together is commendable. However, the Department's prevention of their ability to help support their dependants is having a seriously detrimental impact. It also runs counter to the spirit of numerous international and national policies and standards, including the Department's own *Substantive Equality Policy* (2008).
- 8.16 The prison's philosophy of encouraging community spirit is evident in the continuing strong engagement with community groups and re-entry services. The strong community relationships create a solid ground for the work of progressing prisoners from the orientation through to successful re-entry. However, the prison is hampered in its ability to provide throughcare and re-entry services by the lack of a minimum security facility. If it had such a facility, Albany would be able to provide a high standard of re-entry services in the local region, and thus lower local recidivism rates and enhance community safety. These improvements would be in line with the prison's philosophy of community spirit.

- 8.17 This report also examined the management of particular prisoner groups at Albany including prisoners transferred for behavioural or other management problems, protection prisoners, and long-term and life prisoners. The report found that Albany has maintained its record of effective management of prisoners who have become unmanageable in other facilities. The prison also has sensible plans to rehouse the protection prisoners to better and safer accommodation. However, their access to services and resources at Albany will still require improvement. Long-term and life prisoners stand to benefit greatly from the opening of the new accommodation unit, as this expansion will enable prisoners who have demonstrated sustained good behaviour to enjoy privileged accommodation.
- 8.18 In conclusion, the Department and local prison management are working positively and sometimes in innovative ways to improve this prison's provision of secure throughcare services. However, this work will be severely handicapped without adequate resourcing, particularly for the infrastructure needed to allow the prison to fulfil its complex roles and functions.

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2012 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|--|
| 1. Provide the new health, educational and industrial facilities the prison has identified as necessary to the performance of its functions. | <p>Supported in Principle</p> <p>The Department has completed both building condition reports and reviewed the infrastructure needs of the site in regards to its current population. Government funding will be required to undertake any construction program.</p> |
| 2. Operate all four accommodation units with sufficient staffing and resources to meet the prison's complex mix of functions. | <p>Supported in Principle</p> <p>The units are a key part of the wider prisons estate and will continue to be utilised in balance with the operational demands of the system and resource limitations.</p> |
| 3. Ensure the consistent provision of all mandatory staff training. In addition provide language and cultural awareness training, and First Aid Mental Health Training for Aboriginals and Torres Strait Islanders. | <p>Supported in Part</p> <p>Albany Regional Prison consistently maintains high levels of completion for mandatory staff training.</p> <p>Cultural Awareness training is provided as part of the initial ELTP training for all officers commencing with the Department. Existing staff who had not undertaken the current curriculum of the ELTP have previously been provided with Cultural Awareness training as a separate training course.</p> <p>It is the Department's view that the level of training is commensurate with the need of the Albany prisoner population. Mental Health First Aid training is periodically facilitated by a local NGO service provider (Mens Resource Centre) and as stated in the report, a high number of staff have applied for and received this training.</p> <p>Provision of language training will be actively explored, however, it is important to point out that considerable effort has been made at the prison to provide policies, procedures and daily routines translated in Indonesian. The Inspection found the relationship between the Indonesian prisoners and the prison team to be positive.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2012 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|---|
| <p>4. Provide an Aboriginal Arts workshop.</p> | <p>Supported in Principle This will be considered in the overall demand on infrastructure and a decision made on priority basis. The Department will continue to encourage Aboriginal prisoners to participate in a variety of activities including other industry areas.</p> |
| <p>5. Develop and Implement proactive strategies to ensure improved access for Aboriginal prisoners to minimum security placements including socially and culturally appropriate work camps.</p> | <p>Not Supported The Department conducts a prisoner assessment process for all prisoners, which includes the placement of suitable prisoners at work camps. It is not appropriate to have a separate classification system for Aboriginal prisoners.</p> |
| <p>6. Employ an Aboriginal Education Worker.</p> | <p>Not Supported The Education Centre has a number of strategies to specifically target Indigenous engagement in education and training, as demonstrated by the high Indigenous enrolments at the prison.</p> |
| <p>7. Engage appropriate support (including a focus on language and cultural needs) for displaced Aboriginal prisoners accommodated at Albany.</p> | <p>Supported – existing Departmental initiative The opening of West Kimberley Regional Prison and the new prison in the Eastern Goldfields, as well as new initiatives such as the Roebourne workcamp will provide greater opportunities for prisoners to remain 'in country' and in prisons where greater support for Aboriginal prisoners is available.</p> <p>The issue of specific prisoners that are out of country is well recognised by the prison, and every effort is made to meet their needs within the system, including regular contact with family, for this small cohort.</p> <p>From time to time, prisoners will be 'out of country' for legitimate reasons.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2012 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|---|
| <p>8. Develop and implement policies and processes to ensure the appropriate and consistent treatment of foreign national prisoners, including enhanced peer support services and relevant training for peer support officers.</p> | <p>Supported – existing Departmental initiative Work is under way to review and enhance policies and procedures as highlighted by the Inspector.</p> |
| <p>9. Improve the Department's language services policy and operational practices, including interpretation and translation services.</p> | <p>Supported The Cultural Consultancy Project has been involved in a review of the implementation of the Department's Language Services Policy. Operational considerations will be undertaken in the custodial settings following the outcome of the review.</p> <p>Albany Regional Prison has spent significant time and resources in sourcing a local Indonesian interpreter and translator. Notices and forms have been redrawn in Indonesian to assist everyday operational needs.</p> <p>Please also refer to Recommendation 8.</p> |
| <p>10. Ensure that all foreign national prisoners are able to use a portion of their gratuities for sending remittances to support their dependents.</p> | <p>Noted This is still subject to ongoing discussions with the Department of Immigration and Citizenship and the Federal Government.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2012 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|--|--|
| <p>11. Ensure sufficient and substantively appointed health centre staff , including nurses, a GP, and an Aboriginal Health Worker</p> | <p>Supported The recruiting efforts in place at the time of the inspection have since resulted in an Aboriginal Health Worker commencing at Albany Prison in on 3 January 2012. The Department has recently employed a General Practitioner (GP) at 0.4 FTE at Albany Regional Prison on a fixed term contract basis and is in the process of increasing the position to 0.6 FTE. The Department has also recently completed a GP recruitment process and it is envisaged the GP position at Albany will be filled at 0.6 FTE permanently from this process. Nursing staff levels have been recently reviewed and a business case is being prepared regarding an increase in nursing staff at Albany.</p> |
| <p>12. The Department must ensure the provision of an adequate dental service, including emergency and acute care (whether provided by Dental Health WA or an alternative service)</p> | <p>Supported As the Inspectorate is aware, there has been difficulties in sourcing dental health specialists. Every effort is being made to source an appropriate level of service and recent indications are positive.</p> |
| <p>13. Actively seek and obtain comprehensive health information about foreign national prisoners on their transfer from immigration detention or other Commonwealth facilities.</p> | <p>Supported – existing Departmental initiative This issue has been raised formally with federal authorities and will continue to do so until a satisfactory resolution is received.</p> |

THE DEPARTMENT'S RESPONSE TO THE 2012 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
|---|---|
| <p>14. Ensure that sustainable occupational health and safety arrangements are in place and that identified hazards such as the spray-painting booth are appropriately managed and rectified.</p> | <p>Supported</p> <p>An assessment will be undertaken on the management of the OS&H framework in the Prison, specifically to the spray painting workshop.</p> <p>Provision has been made to fund an OS&H Coordinator in the Albany Regional Prison approved FTE. Albany has three staff who have completed the OS&H Managers course and six Safety & Health Representatives, of which four are trained.</p> <p>Albany Regional Prison has submitted a business case and architect's drawings to extend industries by two additional workshops and to relocate existing workshops. This proposal includes provision for a fully compliant spray painting workshop to be shared between all industries' workshops. However, the proposal is subject to the usual approvals process.</p> |
| <p>15. Ensure the education centre is fully and substantively staffed, including increased education coordination and ministrations support.</p> | <p>Supported – existing Departmental initiative</p> <p>The 2012 recruitment plan for Albany Education Centre is underway with the Campus Manager position and the Prisoner Education Coordinator (Pardelup) both due to be advertised in May 2012. The current clerical support is being reviewed across all Education Centres to ensure effective and efficient deployment of resources, with a view to having a full-time position at Albany.</p> |
| <p>16. Ensure the provision of sufficient computers and up-to-date software for educational purposes.</p> | <p>Supported</p> <p>The Department will be upgrading the hardware and operating systems to contemporary standards to ensure the conduct of education programs.</p> |

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2008 RECOMMENDATIONS

| Recommendation No. | Recommendations By Type of Recommendation/Duration Report No. 60, <i>Report of an Announced Inspection of Albany Regional Prison</i> | Assessment of the Department's Implementations | | | | |
|--------------------|---|---|-------------------------|------------|-------------------------|-----------|
| | | Poor | Less than acceptable | Acceptable | More than acceptable | Excellent |
| 1. | That the Department schedule the replacement of Unit One within the next five years. ²⁵⁵ | | • | | | |
| 2. | The Department should expand the provision for minimum security options at Albany Regional Prison. ²⁵⁶ | | • | | | |
| 3. | That the Department provide sufficient programs to enable all prisoners to meet all their pre-release requirements. | | • | | | |
| 4. | That all prisoners are engaged in meaningful employment or skill development activities for a minimum of six hours per day. | | • | | | |
| 5. | That Albany Regional Prison accept the opportunity offered to work with RiskCover and develop a risk-based approach to operations. | | | | • | |
| 6. | That Albany Regional Prison implement and report on a comprehensive sustainability strategy. | | | | • | |
| 7. | The Department implement a strategy with a view to ensuring a proportionate number of Noongar Aboriginals are placed in work camps. | | • | | | |

255 To date, there are no funded plans for the redevelopment of Unit One. The prison submitted *Application for Concept Approval, Albany Regional Prison Unit 1 Replacement, 2012/2013* in 2011, but has not, to date, received approval.

256 The Department's funding application for a work camp at Gnowangerup will improve this situation if funded. See DCS, *Capital Works Business Case, Gnowangerup Work Camp and Prison Farm*, 2011.

Appendix 3

THE INSPECTION TEAM

| | |
|---------------------|--|
| Neil Morgan | Inspector |
| Lauren Netto | Principal Inspections and Research Officer |
| Janina Surma | Inspections and Research Officer |
| Joseph Wallam | Community Liaison Officer |
| Stephanie McFarlane | Inspections and Research Officer |
| Matt Merefield | Inspections and Research Officer |
| Cheryl Wiltshire | Expert Advisor, Department of Education and Training, Western Australia |
| Kate Temby | Expert Advisor, Australian Human Rights Commission |

Appendix 4

KEY DATES

| | |
|---|------------------|
| Formal notification of announced inspection | 3 August 2011 |
| Pre-inspection community consultation | 24 October 2011 |
| Start of on-site phase | 20 November 2011 |
| Completion of on-site phase | 25 November 2011 |
| Inspection exit debrief | 25 November 2011 |
| Draft Report sent to the Department of Corrective Services | 17 February 2012 |
| Draft report returned by the Department of Corrective Services ²⁵⁷ | 18 May 2012 |
| Declaration of Prepared Report | 8 June 2012 |

²⁵⁷ The Department's return of the draft report was delayed by its re-consideration of its response to the report's recommendations.



THIS PAGE LEFT INTENTIONALLY BLANK



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

www.oics.wa.gov.au

Level 5, Albert Facey House, 469 Wellington Street, Perth, Western Australia, Australia 6000
Telephone: +61 8 6551 4200 Facsimile: +61 8 6551 4216