



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION OF  
CASUARINA PRISON

JANUARY 2014

88

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that contributes to a more  
accountable public sector.*

**Report of an Announced Inspection of  
Casuarina Prison**

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# Contents

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## THE INSPECTOR'S OVERVIEW

CASUARINA PRISON: A CHANGING PRISON AND A CHANGING DEPARTMENT .....iv

FACT PAGE .....ix

## CHAPTER 1

HISTORY: EXPANSION AND CROWDING ..... 1

Unfulfilled Commitments ..... 4

Inspection Themes and Methods ..... 4

## CHAPTER 2

A 'PURE MAXIMUM' YET MULTI-PURPOSE PRISON ..... 6

Designated Key Role and Conflicting Responsibilities ..... 6

Ongoing Crowding but Less Double-Bunking..... 8

New Units, Wrong Investment..... 10

Holding Lower Security Prisoners in a Maximum Security Facility ..... 11

The Increase in Remandees..... 12

## CHAPTER 3

MANAGEMENT, STAFFING AND CONTRACT ISSUES..... 14

A View from the Prison: 'A Time of Frustration' ..... 14

Inadequate Staffing..... 15

Contracted Services: Transport and Scheduling Issues ..... 20

## CHAPTER 4

SAFETY, SECURITY AND PRISONER MANAGEMENT ..... 22

Dynamic Security..... 22

Encouraging Compliant Behaviour ..... 23

Legal Resources and Restricted Regimes..... 24

Prisoner Management and Specialist Units..... 24

Bullying and the Need for Independent Procedures ..... 25

Procedural Security ..... 26

Occupational Safety and Health ..... 28

## CHAPTER 5

EVERYDAY LIFE ISSUES ..... 29

Food, Canteen, Laundry and Units ..... 29

Orientation and Social Support ..... 32

Lacking a Voice: Making Complaints and Reporting Grievances ..... 36

Insufficient Recreation ..... 39

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## CHAPTER 6

|   |    |
|---|----|
| HEALTH AND MENTAL HEALTH.....   | 41 |
| Health: Good Services in Poor Facilities .....                        | 41 |
| Mental Health: High Needs, Competent Care, Inadequate Facilities..... | 47 |

## CHAPTER 7

|   |    |
|---|----|
| REHABILITATION AND REINTEGRATION .....                | 51 |
| Sentence Planning and Case Management.....            | 52 |
| Programs.....   | 53 |
| Industries: Under-employment and Unemployment .....   | 54 |
| Education: Appropriate but Insufficient Services..... | 58 |
| Preparation for Release.....                          | 63 |

## CHAPTER 8

|  |    |
|--|----|
| SUBSTANTIVE EQUALITY ISSUES FOR MINORITY GROUPS .....    | 64 |
| Policy Framework.....                                    | 64 |
| Remandees .....  | 64 |
| Aged Prisoners.....                                      | 65 |
| Disabled Prisoners.....                                  | 66 |
| Protection Prisoners and Sexual Orientation Issues ..... | 68 |

## CHAPTER 9

|   |    |
|---|----|
| SUBSTANTIVE EQUALITY ISSUES FOR ABORIGINAL PRISONERS..... | 69 |
| Policy Framework.....                                     | 69 |
| Aboriginal Prisoners .....                                | 70 |
| Cultural Layout and Infrastructure .....                  | 70 |
| Prisons Aboriginal Service Committee .....                | 72 |
| Security Assessment of Aboriginal Prisoners .....         | 72 |
| Program Development.....                                  | 73 |
| Staff Cross-Cultural Training.....                        | 74 |
| Out of Country Men .....                                  | 75 |
| Return Home on Release.....                               | 76 |
| Insufficient Interpreters and Poor Compensation .....     | 76 |
| Gratuities and Employment .....                           | 77 |
| Social and Cultural Support for Aboriginal Prisoners..... | 78 |

## CHAPTER 10

|   |    |
|---|----|
| CONCLUSIONS: CASUARINA 2013 – UNDER-RESOURCED AND CROWDED ..... | 80 |
|---|----|

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---

|   |    |
|---|----|
| APPENDIX 1  |    |
| THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS .....                 | 85 |
| APPENDIX 2  |    |
| SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2010 RECOMMENDATIONS ..... | 94 |
| APPENDIX 3  |    |
| THE INSPECTION TEAM .....   | 97 |
| APPENDIX 4  |    |
| KEY DATES.....  | 98 |

# The Inspector's Overview

## CASUARINA PRISON: A CHANGING PRISON AND A CHANGING DEPARTMENT

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This is the report of an announced inspection of Casuarina Prison ('Casuarina') conducted in July 2013. The broad conclusion is that the prison has been doing a decent job with stretched resources. Investment is needed in infrastructure and in staff if the Department of Corrective Services ('the Department') is to meet expectations and targets.

### A CHANGING DEPARTMENT: RESTRUCTURE, RESPONSIVENESS AND RE-WORKING PERFORMANCE MEASURES

After an extremely difficult period, the Department is undergoing major structural and cultural change with a focus on improving service delivery, efficiency and performance. The intended longer term outcome is enhanced community safety through reduced recidivism. Many challenges lie ahead of the Department and its new Commissioner but I welcome the renewed vigour that is already evident. Certainly, the Department's responses to this report are more realistic, detailed and helpful than has been the norm over recent years.

Two developments have the potential to bring real improvement. The first is the decision to restructure the Department into two core functional divisions, Youth Justice and Adult Justice.<sup>i</sup> The establishment of a youth justice division to be overseen and supported by a Youth Justice Board, should allow a better targeted and more responsive focus. Although the government has not adopted my recommendation that youth justice be transitioned out of the Department to a new agency, the new structure does reflect the spirit of that recommendation.<sup>ii</sup> Aligning adult prisons and community corrections in the same division should also promote a more unified approach to adult offenders.

The second important development is that the Department is actively working towards developing sharper performance measures. To be effective, these should have four dimensions. Some should reflect events (such as escapes or loss of control); some should reflect 'inputs' in the form of services that are delivered (such as access to health services, training and education); some should reflect 'outputs' (such as completion of programs and courses); and some should involve 'outcome' based measures such as reducing recidivism and the number of people returning to prison. In my view, stronger performance measures and targets are essential for a government department that costs around \$850 million a year.

The timing is ideal for debate about performance expectations and Western Australia also has the opportunity to draw on experience in other countries, notably New Zealand. There, the government has set its Department of Corrections a target of achieving a 25 per cent reduction in recidivism (and 18,500 fewer victims) over the five year period 2012–2017. Specific strategies have been identified and the project has been developed in a way that allows expectations to be set out for individual facilities. The target is ambitious but the New Zealand Auditor General recently concluded:

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- i The previous structure was poorly aligned, with one Deputy Commissioner responsible for adult prisons and another responsible for adult community corrections and youth justice.
- ii OICS, *Report of the Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No 85 (July 2013).

The Department still has some way to go to achieve its target of reducing re-offending by 25 per cent by 2017. It has made a good start and has achieved encouraging early results, particularly with community-based offenders. In the last two years, the re-offending rate has reduced from 30.1 per cent to 26.6 per cent.<sup>iii</sup>

The current recidivism rate in New Zealand is the lowest in ten years.<sup>iv</sup> It is important to emphasise that this reduction in re-offending has been achieved by carefully targeting investment in education, training and employment opportunities, and in assessing what works and what does not work. As the Auditor General put it:

The Department continually assesses the effectiveness and efficiency of its interventions, learns from successes and failures, and uses the information for improvements. The Department is to be commended for its evidence-based approach.<sup>v</sup>

It is important to emphasise that the positive results to date in New Zealand are not the result of sending more people into custody or of prolonging the time they spend there. They result from careful, intelligent planning and evidence-based investment in community and prison-based interventions that set specific targets for Maori and non-Maori offenders.

## CASUARINA: A CHANGING PRISON

### History and Functions

Casuarina opened in June 1991, a landmark moment in prison history in Western Australia. It replaced the old Fremantle Prison where a riot in 1988 had highlighted inhumane and degrading conditions, security and safety failings and a negative, tense staff/prisoner culture. Casuarina was intended to usher in a more positive era of prison management and the basic concept was simple and logical. Provided that the perimeter was kept highly secure, and provided there was adequate separation of prisoners who needed to be kept apart from others, the majority of prisoners could be offered a more positive regime focused on rehabilitation, employment, education and skill development.

Casuarina was originally designed for 397 prisoners occupying single cells. At the time it was regarded as a large prison, a view that seems quaintly old-fashioned as we move towards prisons of 1,000 beds or more.

Casuarina is unique in that it performs a number of 'state-wide' functions. These include housing the highest risk/highest security prisoners (in the 'Special Handling Unit' or SHU); those who need the highest degree of protection from others (in the 'Special Protection Unit' or SPU); and those in need of specialised medical care (in the 'Infirmary'). In addition, the prison houses people of all security ratings and large numbers of remandees, out-of-country Aboriginal men and protection prisoners. Another growing challenge has been the management of prisoners with organised gang affiliations.

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iii Office of the Auditor General, New Zealand, *Department of Corrections: Managing Offenders to Reduce Re-Offending*, December 2013, 6 [<http://www.oag.govt.nz/2013/reducing-reoffending>].

iv Ibid, 65.

v Ibid, 5.

This is a potentially volatile mix and the prison has needed to perform its complex roles during a time of change and crowding (see below). It is important to place on record the fact that while Casuarina has faced some significant events over its 22 year history (including an opportunistic escape shortly in 1991 and a riot on Christmas Day 1998), it has maintained a good record for perimeter security and internal control.

### Staff and Management

Compared with 2010 we found improved relationships within the management team and between staff and management. Unfortunately, however, negative media coverage of the activities and alleged misconduct of some prison officers was having a demoralising effect. It needs to be emphasised that the majority of custodial, administrative and other staff are well-motivated, knowledgeable and pragmatic professionals. They do their jobs and they themselves welcome efforts to clamp down on unprofessional behaviour. They deserve the community's respect and balanced media coverage. They also provide a resource on which to build for the future. However, this will require the Department to engage more positively and proactively, to implement better performance appraisal systems, and to provide more professional development opportunities.<sup>vi</sup>

Action is also needed to reduce the extent of daily staff shortages as this is adversely impacting on the prison's operations. One of the contributing factors at Casuarina and other prisons is the shortfall in services delivered under contract for medical transports and hospital 'sits'. In essence, the contractor (Serco) appears to be meeting its contractual obligations (and if it is not, it should not be paid), but the contract does not cover demand. As a result, staff at the prison must cover these outside tasks, leading to shortfalls on-site.<sup>vii</sup>

### Population and Infrastructure

The prison has undergone significant changes since it opened. The most obvious is that its capacity has increased. At the time of this inspection it housed 631 prisoners and on occasions in the last four years it has held closer to 700. Judged simply by reference to 'beds', the increase has been accommodated by a combination of double bunks in cells that were never intended for two people and the addition of two new accommodation units. The opening of the new units did not replace double bunking but led to some units being closed for renovation.

Down the track, if all the double-bunked cells and the new units are used, the prison will house over 900 prisoners, more than double its original design capacity. A number of questions arise now and for the future with respect to the adequacy of the supporting infrastructure and the ability of the prison to meet the diverse requirements of its prisoners.

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vi See Recommendations 3 and 4 of this report.

vii See Recommendations 2 and 5 of this report.



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The capacity of a prison is not a simple matter of ‘beds vs heads’. Prisons are ‘mini-communities’ and if the state is to maximise the opportunities for a positive regime and for interventions to reduce recidivism, it is necessary to provide adequate infrastructure. As the Smith Report into the 1998 Casuarina riot put it:

The term ‘overcrowding’ is actually an oxymoron, because the condition that spells mismanagement is ‘crowding’ – that is too many people in a facility or space. It accurately describes the condition that existed at Casuarina Prison on Christmas Day and in the days leading up to it – too many prisoners for the available facilities. With proper management and planning, staffing, services and facilities can be increased to cope with growing numbers so that while numbers grow access to services remain at adequate levels. Overcrowding is thus not really about gross numbers – it is about management and resource capacity.<sup>viii</sup>

Casuarina has seen some investment in additional infrastructure to support increased numbers but it has not been sufficient. Areas of need include health services, the kitchen, industries and education and some areas of security.<sup>ix</sup> One of my abiding memories of the inspection was seeing a group of around six Aboriginal men sitting around playing cards in the early afternoon. Some were still teenagers and some were much older men. There was nothing else available for them to do and they had generally done little throughout the rest of the day. They said they were not gambling but looked sheepish as they said this. It was depressing to witness such mindless boredom and to sense that this was perceived by the young men to be a normalised lifestyle, not something to break away from. We need to do better to provide opportunities for improvement especially for young people in prison, so many of whom are Aboriginal.

### Prisoner Profile

Originally, Casuarina mainly housed maximum security sentenced prisoners. This is no longer the case. On average, during 2012/13, only 28 per cent of prisoners were rated maximum security; the vast majority were rated medium and some were rated minimum. This imbalance between prison security and prisoner security ratings is symptomatic of the system as a whole. As a result of the decision to add extra units in the three main male maximum security facilities, the state now has over 2,500 maximum security beds for fewer than 500 maximum security prisoners.

The dilemma is obvious: if a prison holds maximum security prisoners it will need to provide a full maximum security regime, but prisoners rated less than maximum security do not need this. Medium security prisons are still secure but they tend to operate a less restrictive regime. In response to our report on security classifications in 2012 the Department asserted that it operates ‘adaptive regimes’ for lower security prisoners who are being held in maximum security prisons. However, it provided no evidence to support such claims. There was in fact no evidence at that time, or during this inspection, of differentiated regimes.<sup>x</sup> It is time for fanciful claims of this sort to stop.

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viii Smith LE, *Report of the Inquiry into the Incident at Casuarina Prison on 25 December 1998* (1999) [5.2.4.6].

ix See Recommendations 6, 7, 10, 12, 13, 15 and 16 of this report.

x OICS, *The Flow of Prisoners to Minimum Security, Section 95 and Work Camps in Western Australia*, (2012) [5.9]–[5.10].

Casuarina also now houses a much larger number of remand prisoners. More than one fifth of its population was on remand at the time of the inspection, including a significant number of people from regional WA. The number of remand prisoners has grown faster than the number of sentenced prisoners in recent years. Work needs to be done to understand why this has happened and there needs to be a sharper strategic focus on the needs of this group.

Unfortunately, it also remains the case that too many Aboriginal men from remote and regional areas are being held in Casuarina, a long way from home and away from social and legal support. Many were from the Kimberley and many were remandees. The opening of West Kimberley Regional Prison has not solved the problem and further attention is needed to matching regional supply and demand.

Neil Morgan

19 December 2013

# Fact Page

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## NAME OF FACILITY

Casuarina Prison

## LOCATION

35km south of Perth

## ROLE OF FACILITY

Casuarina Prison is officially described as Western Australia's 'main maximum-security prison for male prisoners – particularly long-term prisoners'. Casuarina also provides specialist statewide services in the Special Handling Unit (SHU), the Special Purpose Unit (SPU), the Infirmary, and the Crisis Care Unit (CCU).

## BRIEF HISTORY

Casuarina Prison opened in 1991 with a focus on addressing offending behaviours and preparing prisoners for eventual resettlement in the community, by providing a wide range of employment and skilling opportunities. Its original design capacity was for 397 prisoners.

By 1998, the prisoner population had increased to 529, and many prisoners lacked meaningful programs and work. A major riot occurred in 1998. Subsequently, the Department implemented a \$1.8 million program to strengthen security and staff safety.

In 2010, the prison population rose to 690, causing chronic overcrowding amidst a high statewide prison population. In response to the rising population, the Department built two new accommodation units, providing 128 new cells. The first of these opened in late 2012.

There have been four previous inspections of Casuarina, the last in April 2010.

## ORIGINAL DESIGN CAPACITY

397

## CURRENT DESIGN CAPACITY<sup>xi</sup>

525

## PRISONER POPULATION<sup>xii</sup>

631

## ABORIGINAL PRISONER POPULATION

300 (48%)

## PROPORTION OF ABORIGINAL PRISONERS 'OUT OF COUNTRY'

50 per cent of all Aboriginal prisoners<sup>xiii</sup>

## NUMBER OF MAXIMUM SECURITY PRISONERS

179 (28%)

## NUMBER OF MEDIUM SECURITY PRISONERS

405 (64%)

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xi DCS TOMS, 15 July 2013.

xii All prisoner numbers taken from TOMS; figures given are averages for 31 December 2012 to 1 July 2013.

xiii Snapshot estimate based on detailed analysis of TOMS data, 22 September 2012.

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#### NUMBER OF MINIMUM SECURITY PRISONERS

47 (7%)

#### NUMBER OF REMAND PRISONERS

102 (16%)

#### DESCRIPTION OF ACCOMMODATION UNITS

Unit 1 – at the time of the 2010 inspection Unit 1 accommodated displaced Aboriginal prisoners; it now accommodates mainstream and difficult-to-manage prisoners from throughout the state.

Units 2, 3 and 4 – accommodate mainstream prisoners.

Unit 5 – accommodates newly received prisoners for orientation purposes.

Unit 6 – accommodates prisoners requiring protection.

Unit 7 – accommodates prisoners who have progressed through the hierarchical management regime and earned the privilege of self-care.

Units 13 and 14 – accommodate mainstream prisoners and those undertaking the Violent Offenders Treatment program.

Crisis Care Unit (CCU) – accommodates prisoners requiring a higher level of supervision because of a personal or mental health crisis.

Infirmary – accommodates prisoners from around the state who are pre/post-acute and/or too infirm to be managed in mainstream accommodation.

Special Handling Unit (SHU) – accommodates prisoners who are assessed as being extremely violent, predatory or disruptive or who constitute a high risk of escape.

Multi-Purpose Unit (MPU) – accommodates prisoners on punishment regimes.

Special Purpose Unit (SPU) – accommodates prisoners requiring a higher level of protection than those in Unit 6 (e.g., convicted prison officers and police officers).

# Chapter 1

## HISTORY: EXPANSION AND CROWDING

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- 1.1 This chapter briefly reviews the findings of previous inspections, notes the lack of progress made by the Department of Corrective Services ('the Department') on previous recommendations, and describes the inspection themes and methodology.
- 1.2 The governing legislation of the Office of the Inspector of Custodial Services ('the Office') requires that all prisons and places of custody are inspected at least every three years.<sup>1</sup> The 2013 inspection was the fifth inspection of Casuarina.
- 1.3 The most significant features of recent inspections have been the growing Western Australian prison population, prison overcrowding, and the ongoing over-incarceration, misplacement out of country, unemployment and under-employment of Aboriginal people.

### 2007 Inspection Findings

- 1.4 Casuarina's third inspection occurred in the context of overcrowding, with a prison population of 580.<sup>2</sup> The 'design capacity' was for only 397 prisoners. Regrettably, double-bunking had become the norm throughout most of the prison, and throughout most of the prison system. This was despite the Department's agreement that 'double-bunking of prisoners should not be accepted as the norm' and that double-bunking at Casuarina was only a temporary measure.<sup>3</sup>
- 1.5 At Casuarina two prisoners were typically being held in cells designed to humanely house a single prisoner. This high fill also meant there was little capacity to move prisoners, limiting the prison's ability to disperse problematic prisoners or reward positive behaviour through a hierarchical accommodation system.
- 1.6 The 2007 report criticised the lack of prisoner employment as well as the lack of workshop and classroom space.<sup>4</sup> The then Inspector warned of the need to 'make sure that the proper resources are put in place' if the prison were to hold more prisoners in future.<sup>5</sup> The Inspector also expressed confidence in the prison's well-resourced and stable senior management team.<sup>6</sup>

### 2010 Inspection Findings

- 1.7 By the time of the fourth inspection in April 2010, and in the context of overcrowding across the state, Casuarina was holding a population of 690.<sup>7</sup> The prison was 'very overcrowded', with approximately '80 per cent of its prisoners living in cells at double their design capacity'.<sup>8</sup> The overcrowding was found to have placed considerable pressures on staff, prisoners and management.<sup>9</sup>

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1 Western Australian Government, *Inspector of Custodial Services Act 2003* (WA) s 19.

2 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 49 (May 2008) iii.

3 Ibid, Response to 2007 Recommendation 8, 67. The Department stated that it 'agrees that double-bunking of prisoners should not be accepted as the norm.' The Department wrote that it had 'identified a number of strategies, including temporary double-bunking arrangements, for managing a prisoner population of 4100'.

4 Ibid, 1.

5 OICS, inspection exit debrief, May 2007.

6 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 49 (May 2008).

7 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010). The average population between the two inspections was 690.

8 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) iii.

9 Ibid.

- 1.8 In 2010, Casuarina’s staff were found to have conducted themselves with professionalism, passion and pragmatism under pressure. However, the prison suffered from ‘perceived communication issues with management and head office’ and there had been insufficient investment in supporting infrastructure.<sup>10</sup>
- 1.9 At that time this Office predicted that lower prisoner numbers in future and new accommodation at Casuarina and other sites should enable the Department to address existing infrastructure deficits and to ensure adequate infrastructure for new prisoners. It was noted that the Department had not increased these since the prison had been built in 1991.<sup>11</sup> The Department reported that progress on expanded infrastructure for aged and infirm prisoners, and for industries were ‘existing departmental initiatives’, but did not otherwise indicate plans for increased infrastructural facilities.<sup>12</sup>
- 1.10 Casuarina in 2010 was overcrowded through excessive double-bunking, but also lacked sufficient capacity to support its prisoner population in terms of services and infrastructure. These infrastructure limitations restricted the prison’s capacity to provide prisoner services in the areas of health, employment, and training.
- 1.11 The Western Australian Legislative Assembly, Community Development and Justice Standing Committee defines prison overcrowding in the following terms:
- [O]vercrowding 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).<sup>13</sup>
- 1.12 The Standing Committee’s holistic definition of overcrowding corresponds to the findings of the Smith Report into the Casuarina riot in 1999. This report included an examination of the effects of overcrowding in the period leading up to the 1999 riot.<sup>14</sup> The report stated that:
- [Over]crowding is not the direct result of increasing numbers of people coming to the prison, but of the inadequacy of plans to deal with the greater numbers. Such plans might include changes to regimes, an expansion in the available places in key services that prisoners access such as telephones, visits, work, medical services and recreation.

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10 Ibid.

11 Ibid, 4.

12 Ibid, DCS response to Recommendations 1, 8 and 10.

13 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.

14 Smith LE, *Report of the Inquiry into the Incident at Casuarina Prison on 25 December 1998* (1999) (‘the Smith Report’) [5.2.4.], 58–62.

- 1.13 The Smith Report made the important point that '[T]he term 'overcrowding' is actually an oxymoron, because the condition that spells mismanagement is 'crowding' – that is too many people in a facility or space'.<sup>15</sup> The report's analysis of overcrowding and crowding has ongoing relevance for Casuarina and other West Australian prisons. In the terms of the Smith Report, Casuarina in 2010 remained a crowded prison, suffering not just an excess of prisoner double-bunking, but also a lack of adequate infrastructure and services.
- 1.14 One contributing factor to the problem of Casuarina's crowding was the fact that the Department was not providing sufficient numbers of regional beds to enable remote Aboriginal prisoners to remain in country. Construction of the new West Kimberley Regional Prison in Derby was due to be completed at the end of 2011. However, this Office correctly judged that even when it became fully operational, there would probably still be a significant number of out-of-country prisoners at Casuarina.
- 1.15 Large numbers of Aboriginal men from remote and regional parts of the state, especially the Kimberley, wanted to return to a prison closer to home.<sup>16</sup> This metropolitan prison was unable to provide the culturally relevant services and family and community supports that would be available if the men were still in country.
- 1.16 As an ameliorating strategy, Casuarina had developed a model for a displaced Aboriginal prisoner program (DAP). The aim was to provide an opportunity for the displaced men to live together, to maintain cultural connections and to undertake culturally relevant education and training. The 2010 inspection 'found scope for the aims, objectives and content of the DAP program – and for services for out-of-country Aboriginal men generally – to be revisited and reinvigorated'.<sup>17</sup>
- 1.17 The 2010 inspection findings in relation to Aboriginal prisoners were particularly disappointing. They included:
- proportionately higher levels of unemployment and underemployment;
  - a lack of ongoing cultural awareness training for staff;
  - a diet familiar to prisoners not being routinely or regularly provided;
  - resources in the form of an Aboriginal Education Worker not being allocated in proportion to the numbers of Aboriginal prisoners at Casuarina;
  - a lack of strategic planning to support the culturally appropriate management of all Aboriginal prisoners;
  - out-of-country prisoners in Unit 1 lacking an accessible cultural space; and
  - prisoners from regional areas (predominantly Aboriginal) being particularly disadvantaged in relation to release planning.<sup>18</sup>

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15 Ibid, [5.4.2.6], 60.

16 At the time of the 2010 inspection almost 50 per cent of Casuarina's prisoners were Aboriginal, with a significant proportion (60%) of these being held 'out of country': *ibid*, 3.

17 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) v.

18 *Ibid*, ix.

## HISTORY: EXPANSION AND CROWDING

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- 1.18 The 2010 inspection found that while an extensive range of prisoner employment existed, the industry infrastructure was still reflective of the original design capacity. As a result, almost one-quarter of prisoners had no structured daytime activity, and half of those who had a job were underemployed.
- 1.19 The inspection found that education services were being prioritised for trainees, prisoners nearing release, and low literacy prisoners. This was judged to be ‘a sensible though short-term unsustainable approach to managing restricted resources’.<sup>19</sup>
- 1.20 The Office found that Casuarina’s health services staff were committed and professional. However, resourcing for health services were inadequate. The Office reported that Casuarina required an enhanced infirmary and crisis care unit; a mental health unit managed by dedicated mental health clinical staff; and a geriatric and long-term care unit.<sup>20</sup>

### UNFULFILLED COMMITMENTS

- 1.21 The Department expressed support for all recommendations made in the 2010 report. In 11 of the 14 cases, the Department reported that the recommendations were both ‘supported’ and reflected ‘existing departmental initiatives’. For those fourteen recommendations, this Office has assessed the implementation as being poor in six cases, and as being less than acceptable in three cases. Three years after the Department’s assertions were made, two-thirds of the ‘existing departmental initiatives’ were found to have been inadequate. Similarly, the implementation of one of three recommendations which were reported to have been ‘supported in principle’ was found to have been poor.

### INSPECTION THEMES AND METHODS

#### Themes

- 1.22 The fifth inspection of Casuarina was carried out in July 2013. Based on the findings of past inspections and liaison visits, particular attention was paid to these areas:
- the prison’s journey in the three years following the 2010 inspection;
  - the role of the prison in the state prison system;
  - support for the prison’s large and diverse prisoner population, including resources, services and infrastructure;
  - adequacy of the state facilities, such as the infirmary, the Special Handling Unit (SHU), the Multipurpose Unit (MPU) and the Sex Offender Treatment Program (SOTP) wing;
  - other specialised care plans, such as a mental health or geriatric care units;
  - substantive equality for Aboriginal prisoners;
  - substantive equality for aged and disabled prisoners;
  - substantive equality for remand prisoners;
  - support for release.

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19 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) xi–xii.

20 Ibid, xi–xii, 78; Recommendation 10. OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 49 (March 2008) also reported that ‘a psychiatric ward within the prison system is long overdue’ (at 44).



### Methodology

- 1.23 This Report details the findings of the fifth inspection of Casuarina. Between inspections, regular liaison visits were conducted in order to monitor performance and progress in implementing the recommendations of the Office's fourth report.
- 1.24 Pre-inspection surveys of Casuarina's staff and prisoners were conducted in early 2013, providing an indication of issues of note prior to the commencement of on-site activities. Prior to the inspection, the Department was requested to provide specific documentation and information considered relevant to the inspection. A formal briefing session detailing strategic issues relating to Casuarina was also provided by Casuarina's management team. Follow-up documentation was provided by the Department in the writing period following the onsite inspection.
- 1.25 The 2013 inspection took place over a two-week period, running from Sunday 14 July to Thursday 25 July. Inspection team members worked in pairs in order to enhance both information collection and accountability, and were additionally supported by expert representatives from Edith Cowan University, the Southern Metropolitan Mental Health Service, and the Specialist Aboriginal Mental Health Service. Follow-up interviews were held with several staff and prisoners following the inspection.
- 1.26 In areas where the data was relatively straightforward, reporting by exception has been used. This has been done on the basis of confidence in the inspection and liaison process findings, in order to best focus this report on areas of concern or interest.

# Chapter 2

## A 'PURE MAXIMUM' YET MULTI-PURPOSE PRISON

- 2.1 This chapter examines the Department's management of Casuarina in relation to the needs of the custodial estate and the prison's multiple responsibilities, including the competing demographic pressures created by the holding of prisoners of different security ratings, the misplacement of Aboriginal prisoners out of country, ongoing crowding, and inadequate infrastructure resourcing.



Figure 1: The walkway from the gatehouse into the prison

### DESIGNATED KEY ROLE AND CONFLICTING RESPONSIBILITIES

#### A 'Pure Maximum Prison'

- 2.2 The Department's 2011–2014 Strategic Plan describes the Department's major goal of 'contributing to a safer community through the effective management of offenders in accordance with assessed risk and need supports'.<sup>21</sup>
- 2.3 The Department described Casuarina as supporting this goal by being 'the main maximum-security prison for male prisoners – particularly long-term prisoners – in Western Australia'.<sup>22</sup> This Office has concurred, noting that Casuarina is one of four prisons 'best designated as 'pure' maximum given their design, philosophy, operational procedures and lack of section 95 activities'.<sup>23</sup>

21 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013) 11.

22 Ibid.

23 OICS, *The Flow of Prisoners to Minimum Security, Section 95 and Work Camps*, Audit Report (December 2012) 4. The others are Bandyup Women's Prison and the male prisons of Albany and Hakea.

- 2.4 This focus on maximum security represents a further shift away from the prison's original design. As this Office noted in 2001, even then Casuarina was drifting away from being a prison purposefully designed to assist in the reform of the West Australian Prison Service culture, where success would be measured by prisoners successfully reintegrating into the community, to a framework where success was defined by cost management and acceptance of avoidable service failure thresholds.<sup>24</sup>
- 2.5 Within the current security role, the Department requires that Casuarina facilitate the state and prison's secure management of dangerous and difficult-to-manage prisoners. Specialised resources dedicated to this role included the Special Handling Unit (SHU) and the Multi-Purpose Unit (MPU).
- 2.6 One of Casuarina's designated statewide roles is the provision of accommodation and health services for prisoners who require periods of pre-hospital preparation, or post hospital recuperation, and for those whose medical needs fall short of hospitalisation. The Department's commitment to this role has been inadequate because – as Chapter 6 demonstrates – the facilities dedicated to this role have not been improved to match the increase in demand since the prison opened in 1991.<sup>25</sup>
- 2.7 Casuarina is expected to support the Department's goal of 'reducing re-offending through a positive change in offender behaviour; and providing a variety of programs where prisoners can prepare for life after release and gain formal qualifications'.<sup>26</sup> However, the Department's commitment to this role has also been inadequate because, as Chapter 7 demonstrates, the services and facilities dedicated to this role have not improved sufficiently to match the prison's high population.<sup>27</sup>
- 2.8 Casuarina's role is also loosely defined as 'providing a number of culturally specific services for Aboriginal prisoners ... in accordance with the Department's goal of providing effective offender management for Aboriginal people'.<sup>28</sup> While the Department has to some degree fulfilled this role, this report indicates that there is room for greater strategic direction of the management of support of Aboriginal prisoners at Casuarina and throughout the prison estate.

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24 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 11 (October 2001) 12.

25 This represents an instance of the Department's failure to implement commitments made in its response to the relevant recommendation in the 2010 inspection report. See OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) Recommendation 10, and DCS, *2013 Inspection of Casuarina Prison*, written submission (March 2010) 8.

26 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013) 11. This role is described as being in accordance with the 2011–2014 Strategic Plan.

27 This also represents an instance of the Department's failure to implement commitments made in its response to the relevant recommendation in the 2010 inspection report. See OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) Recommendation 10, and DCS, *Inspection of Casuarina Prison*, written submission (March 2010) 8.

28 DCS, *ibid.*

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**ONGOING CROWDING BUT LESS DOUBLE-BUNKING**

- 2.9 When holding a population of 694 in April 2010, Casuarina was crowded, and 75 per cent above its accommodation design capacity of 397. Casuarina's population subsequently dropped to an average of 631 in 2012–13. This lower population has enhanced the prison's accommodation capacity, which was only 33 per cent over its design capacity at the time of the inspection.
- 2.10 Casuarina's two new units (Units 13 and 14), occupied in late December 2012 and early 2013 respectively, contributed 128 new cells to the prison's improved capacity for accommodation. However, the Department also closed one of the prison's older units (Unit 3, which had 52 cells), because of the staffing costs involved. Therefore although Casuarina's accommodation capacity had increased to 473, it would have increased to 525 if all units remained open.



*Figure 2: Unit 3 refurbishment*



*Figure 3: New Unit 14 wing*

- 2.11 The prison has partially alleviated the problem of double-bunking identified in previous reports by increasing the proportion of single occupancy accommodation.<sup>29</sup> In addition to some of the self-care accommodation (Unit 7), Units 13 and 14 were single occupancy. Specialised units also provided some single-celled accommodation, including some of the infirmary and the protection unit (Unit 6), and the new management wings of Unit 1.
- 2.12 Despite the improvements to accommodation capacity, the majority of mainstream prisoners and remandees remained double-bunked, and therefore continued to reside in overcrowded accommodation.<sup>30</sup>
- 2.13 This office has previously observed that 'correctional management considerations relating to duty of care (safety), reparation (productive enterprise) and rehabilitation (preparation for release), mitigate against simply warehousing prisoners by overcrowding the system'.<sup>31</sup>
- 2.14 Unfortunately, in addition to the ongoing accommodation overcrowding, Casuarina remained crowded, lacking sufficient services and infrastructure to support the prisoner population.<sup>32</sup> For example, as noted in Chapter 7, industries were reported to have a maximum capacity of only 320 prisoners.<sup>33</sup> As described throughout this report, key facilities and services (including the kitchen and medical facilities) remain restricted to capacity levels set out in the original design in 1991, when the prison's design capacity was for only 397 prisoners.
- 2.15 Prison management had identified the difficulty of managing prisoners with mental health and behavioural issues in mainstream units.<sup>34</sup> The prison had sought, but not received, funding for a mental health facility and was developing a revised proposal in consultation with mental health staff at the time of the inspection.
- 2.16 Security management reported that the culture of gangs and a high number of difficult-to-manage prisoners exceeded the accommodation available in the Multi-Purpose Unit. This excess could have been addressed by using the closed unit (Unit 3), however the prison was told it was too expensive to staff. Instead, the prison redesignated two wings of Unit 1 as a punishment and management facility. These wings are intended to enhance hierarchical management by providing further accommodation for prisoners on close and basic regimes, as well as observation of prisoners on standard regimes who need to be housed separately from the mainstream for the good order of the prison.

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29 The prison has used the additional capacity to work on the refurbishment of Units 3 and 4.

30 Management and staff had wanted to use at least one of the old units to allow greater flexibility in prisoner placements, and further reduce overcrowding. However head office rejected this on the basis of cost.

31 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 11 (October 2001) 12.

32 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.

33 DCS, Casuarina Superintendent's debrief, 15 July 2013.

34 Surveyed prison staff indicated that working with difficult prisoners was the third most stressful thing about working at Casuarina.

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- 2.17 This management facility has come at the cost of the dedicated wing for displaced Aboriginal prisoners.<sup>35</sup> The prison's inability to both maintain the ability to house remote and regional Aboriginal men together and provide sufficient dedicated prisoner management accommodation demonstrates one way in which the Department has failed to provide a balanced approach to the prison's competing roles and responsibilities.
- 2.18 Because of the insufficiency of infrastructure and services – several of which were limited to their 1991 levels – the actual supported capacity of this prison was therefore limited to no more than 397, while the average population for 2012–13 was 631. On this basis, Casuarina's overcrowding has continued at 59 per cent above the current supported capacity.

#### NEW UNITS, WRONG INVESTMENT

- 2.19 Casuarina's two new units, providing 128 new cells, were part of a statewide increase in prisoner accommodation for maximum security facilities. Additional units were also built at Hakea and Albany. Since 2010, an additional 372 cells have been provided in maximum and medium security facilities in the metropolitan and south-west areas of the state, supporting places for up to 744 prisoners.
- 2.20 During the last inspection this Office wrote of a 'need for medium rather than maximum security accommodation' and noted that building units at Casuarina for maximum security prisoners was a poor use of resources.<sup>36</sup> In 2010, the state's capacity for housing maximum security prisoners was more than sufficient (approximately 38% of that capacity was being used for medium and minimum security prisoners). At that time there was little need for further accommodation of medium security prisoners in a maximum security facility as the Department was planning the provision of 400 new beds at Acacia – the state's medium security facility.
- 2.21 This report supports this Office's previous view that investment in metropolitan maximum security accommodation was badly targeted and cost-ineffective. The state's overall capacity for housing maximum security prisoners had become excessive (approximately 68% of the capacity for maximum security prisoners was being used for medium and minimum security prisoners at the time of the inspection).
- 2.22 Correspondingly, Casuarina's maximum security cohort was only 28 per cent throughout 2012–13, and the medium and minimum security cohorts were 72 per cent.<sup>37</sup> Such holding of lower security prisoners in a maximum security prison represents poor value for money, as 'the ongoing cost of managing prisoners within the Casuarina perimeter is one of the highest among Western Australian prisons'.<sup>38</sup>

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35 See [4.16]–[4.17] and [9.31]–[9.32] of this report.

36 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) 5, 6.

37 TOMS, 12 August 2013. There were 74 (12%) sentenced maximum security prisoners serving effective sentences of more than two years. A further 96 medium security prisoners were serving effective sentences of more than two years.

38 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) 6. The cost per prisoner per day at Casuarina at the time of the 2013 inspection was \$340, compared to the state average of \$313. Figures derived from DCS inspection documentation resources and systems 1.5, and DCS, *Annual Report 2012–13*, 'key performance indicators', 98.

- 2.23 In addition to the problem of excessive resourcing for maximum security prisoners, there was a problem of regional disparity. While metropolitan and south-west areas had excess capacity for maximum security prisoners, regional and remote areas were both under-resourced and under-utilised. The capacity of prisons located outside of the south-west and metropolitan areas was only 12 per cent of the state's capacity for maximum security prisoners.<sup>39</sup> Those regional prisons held only 1.5 per cent of the state's maximum security population.<sup>40</sup>
- 2.24 This regional disparity correlates with the excessive displacement of regional and remote Aboriginal men at Casuarina. Approximately half of the Aboriginal prisoners were displaced Aboriginal men, with a high proportion of these being from the north, Kimberley, Geraldton, Ngaanyatjarra Lands and Goldfields areas.<sup>41</sup> As discussed in Chapter 9, this practice falls short of the principle of substantive equality.
- 2.25 Approximately 33 per cent of the displaced Aboriginal men were maximum security prisoners, 66 per cent medium security, and only one per cent minimum security prisoners. While the low number of prisoners being held out of country at the minimum security level was commendable, there was scope for the Department to examine means of providing more medium and maximum security Aboriginal prisoners in country.

#### HOLDING LOWER SECURITY PRISONERS IN A MAXIMUM SECURITY FACILITY

- 2.26 The increased capacity for holding of maximum security prisoners reflects the Department's view that Casuarina is also appropriate for medium security prisoners. The Department submitted that 'in essence, medium security prisoners are in no way disadvantaged by their placement at Casuarina and their placement at Casuarina is considered appropriate'.<sup>42</sup> The Department has also claimed to be providing 'adaptive regimes' to lower security prisoners in maximum security prisons.<sup>43</sup> However, during this inspection prison management reported that all Casuarina prisoners were treated the same, and – as discussed below – this Office has not found evidence of such regimes.
- 2.27 This Office has previously observed that:
- The regime for medium security prisoners in the state's medium security facilities is not, and need not be, as highly security-focused as it must be for maximum security prisoners. Thus the 'ambience', routines and processes at prisons such as Bunbury and Acacia are different from those at Casuarina or Hakea.<sup>44</sup>

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39 TOMS, 14 July 2013.

40 Ibid.

41 TOMS, 22 September 2012. Snapshot data based on detailed analysis of individual TOMS records.

42 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013) 11.

43 DCS, written response to the draft report, OICS, *The flow of prisoners to minimum security, section 95, and work camps in West Australia* (November 2012).

44 OICS, *The flow of prisoners to minimum security, section 95, and work camps in West Australia* (November 2012).

- 2.28 The numbers of minimum security prisoners at Casuarina appeared to have dropped to less than half of their numbers at the time of the last inspection, from 115 of a total population of 694 (15.5%) to 47 of an average total population of 631 in 2012–13 (7%). To some extent this reflects the provision of more minimum security accommodation across the state.<sup>45</sup>
- 2.29 Despite the drop in minimum security prisoners, Casuarina's medium security prisoner cohort included many who tended towards the lower end of the medium security points range. At the time of writing 48 of these had minimum security points ratings and had been upgraded to medium security status. The safe management of Western Australian prisons required that such prisoners should be upgraded for a variety of reasons including indefinite sentences, escape risks, and mental health and behaviour management issues. Altogether, this cohort of prisoners represented approximately seven per cent of the prisoner population. In addition to this group, another 47 prisoners had scores of only one point higher than the minimum security score, representing another seven per cent of the prisoner population.
- 2.30 The Department describes the holding of a small number of minimum security prisoners as part of the prison's role. As indicated here, the prison actually holds substantial numbers of relatively low security rating prisoners.<sup>46</sup> This cohort requires dedicated support for reintegration including training, education, employment, as well as regimes designed to encourage self-responsibility. However, there are no specific regimes or facilities dedicated to these prisoners at Casuarina.

*Recommendation 1*

*Ensure low security prisoners are able to access appropriate regimes focussed on supporting reintegration.*

**THE INCREASE IN REMANDEES**

- 2.31 The number and proportion of remandees has increased inappropriately. In 2010, there were 51 remandees at Casuarina (7.4% of a population of 694). At the time of writing there were 131 (21% of a population of 632).<sup>47</sup>
- 2.32 This increase had been necessary because of transfers from Hakea, the state's major facility for remandees. Remandees and prisoners have been transferred from Hakea to Casuarina because of overcrowding at Hakea, where the prison has generally held more prisoners than allowed for under its operational capacity of 897 prisoners in 2012–13. A contributing factor was the exclusion of two Hakea accommodation units for use as a temporary juvenile custodial facility while the Banksia Hill Juvenile Detention Centre was being repaired in the aftermath of the riot that occurred on 20 January 2013.<sup>48</sup> The closure of other Hakea units for the removal of asbestos has led to a further and ongoing increase in the number of prisoners and remandees transferred from Hakea to Casuarina.

45 For example, the upgrade of Pardelup from work camp to prison farm in March 2010 provided 64 additional minimum security beds.

46 In relation to maximum security prisoners.

47 DCS, TOMS, 7 October 2013.

48 OICS, *Banksia Hill Directed Review*, 'Post-incident management paper', August 2013.



- 2.33 This has caused prisoner management problems for Casuarina, including a loss of flexibility for prisoner placement, as the prison has had to dedicate most of one unit to the accommodation of remandees. Casuarina requires accommodation flexibility for its security role, and to achieve equitable treatment of different prisoner cohorts. It is important, therefore, that the prison is able to reduce its numbers of remandees to manageable levels once the youths are moved from Hakea, and the asbestos has been removed from Hakea's buildings.

# Chapter 3

## MANAGEMENT, STAFFING AND CONTRACT ISSUES

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- 3.1 Casuarina's security role is complicated by the tasks of providing specialised care including mental health care, hospital and ongoing care, palliative care, aged care, Violent Offender Treatment Program residential care, and accommodation for difficult-to-manage prisoners. This chapter examines the head office and local management of Casuarina's complex tasks, and examines staffing and contract issues.

### A VIEW FROM THE PRISON: 'A TIME OF FRUSTRATION'

- 3.2 Casuarina management has recognised the complexity of the prison's roles, and some progress has been made. For example, the prison's residential programs wing has run well in the new units, freeing up the accommodation in the wing adjacent to the infirmary as an overflow facility for prisoners requiring assisted care. Moreover, as noted below the prison has successfully improved its hierarchical management by providing enhanced regime accommodation in the new units, and a further multi-purpose wing in Unit 1.<sup>49</sup> These examples are indicative of the prison's competence in providing security, prisoner management, and fulfilling some of its multiple statewide responsibilities.
- 3.3 However, prison management described the three years since the 2010 inspection as 'a time of frustration', noting the prison had not been able to win support for key proposals including an expanded kitchen, library, as well as industries workshops, and dedicated assisted care and mental health accommodation.
- 3.4 Similarly, the prison had not been supported with sufficient staff for its complex duties.<sup>50</sup> It was also noted that as Casuarina is a state facility, it does not control its population profile, and therefore cannot limit the demands of competing imperatives for different cohorts of prisoners (for example, bikie gang members and out-of-country Aboriginal prisoners). This lack of control makes it all the more important that the prison is adequately resourced to fulfil its multiple roles.

### Staff Views: Unsupportive Head Office Management

- 3.5 Surveyed staff cited 'unsupportive management' as the most stressful thing about working at this prison. Staff perceptions of support from head office were particularly bad and had worsened from the last survey, with 65 per cent regarding support as poor, compared to 44 per cent in 2010. This was worse than the state average over the last three years of 41 per cent. Similarly, 54 per cent of surveyed staff rated communication with head office as poor compared to 48 per cent in 2010, while the state average was only 40 per cent.
- 3.6 These negative views were reportedly based, in part, on perceptions that the Acting Commissioner had not adequately spoken up for staff following recent criticism by the Corrective Services Minister and negative media reports. They were also based on perceptions of poor head office support for local management and for key prison resourcing issues, including staffing.

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49 See [4.10] and [4.16].

50 See [3.10]–[3.20].

### Local Management Instability

- 3.7 At the time of the last inspection, the senior management team suffered from some fractured relationships, having at least four members of the team in acting positions, including the Superintendent, and the loss of the Deputy Superintendent on sick leave.<sup>51</sup> In 2013 only four of seven members of the senior management team were substantive, with only one of four principal officers being substantive. Although the management team presented as a more cohesive unit, the prison continued to suffer from instability amongst the senior management group because of the lack of sufficient permanent appointments.

### Staff Views: Local Management Limitations

- 3.8 In 2013 only 25 per cent of surveyed staff felt they were supported by their local management, and 50 per cent reported they had mixed views. These figures were similar to the 2010 results, and to the state averages. Communication with local management was perceived to have improved, with only 26 per cent citing it as poor, compared to 35 per cent in 2010.
- 3.9 During the inspection staff reported that local management were hardworking and approachable, but limited by head office. While the inspection team encountered some strong support for the management team amongst staff during the inspection, there were also staff who felt excluded from the social and professional links that centred around the management team.

### INADEQUATE STAFFING<sup>52</sup>

- 3.10 Since the previous inspection Casuarina's population has fluctuated. The population had increased to a high of 726 prisoners in July 2010, before dropping to 580 in July 2011. From July 2012 to July 2013 the prison population stabilised somewhat, averaging at 631.<sup>53</sup> The Department's staffing model was based on 581–680 prisoners at the time of the inspection.<sup>54</sup> Despite a staffing model designed to cope with the number of prisoners at Casuarina, the prison was regularly understaffed due to staff absences, as discussed below.
- 3.11 Staffing shortages have negatively impacted on prisoner services. Since 2010, shortages have caused frequent restrictions to services such as industries, education, and recreation, including the library. Core custodial tasks have frequently been completed by redeploying staff from industries workshops, often without relieving the industries staff. Staff and prisoners reported that the prison ran short on staff on the weekends. Consequently, units were locked-down, and prisoners restricted to core services such as the chapel and visits.

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51 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) 12–13.

52 The Department's periodic review of staffing levels was underway at the time of the inspection. Once finalised, this will provide the basis for staffing levels at Western Australian prisons, including Casuarina.

53 In 2011–12, the population varied between a low of 620 and a high of 680; between July 2012 and July 2013 the population varied between a low of 601 and a high of 645. During the on-site phase of the inspection, there were concerns about further increases in population as a result of building renovations at Hakea Prison.

54 DCS, Inspection Documentation 1.7, Casuarina Staffing Schedule (2013), staffing as of 13 January 2013.

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- 3.12 Staff shortages have fluctuated; on one day shortly before the inspection the prison was short 24 officers. The Superintendent reported that the prison regularly had up to 22 officers on overtime per day, many of whom were covering staff absentees.<sup>55</sup> The Superintendent also reported that the prison is generally short of five custodial officers and two senior officers on a daily basis.<sup>56</sup>
- 3.13 Consequences for staff included high levels of overwork and overtime; there were reports of occasions when officers performed double shifts (up to 24 hours) to meet minimum staffing levels, and reports of officers travelling from Bunbury to work overtime shifts at Casuarina.<sup>57</sup> Surveyed staff reported low staffing levels as the second most stressful thing about working at Casuarina.
- 3.14 Staffing shortages had inequitable consequences for different sections of the prison. Redeployment of industries staff for custodial duties meant that some of the industries staffing budget was being used to cover the costs of custodial duties. The use of industries staff (vocational support officers) to cover custodial work was particularly inequitable as the staffing model was already weighted towards custodial staff. For example, the current staffing model allowed for a 15.5 per cent increase in prison officers to take account of the new units and increased population, but only 7.6 per cent additional vocational support officers.<sup>58</sup> Similarly, the staffing model only allowed for three per cent additional public servants.

#### Staffing Shortfalls due to Hospital Sits and Medical Escorts

- 3.15 At the time of the inspection prisoner transport for Casuarina prison fell largely under the Court Security and Custodial Services contract.<sup>59</sup> The contract required that Serco – the contractor – provide an agreed amount of transport to court, medical appointments, funerals and inter-prison transfers. They also provided court security services and secure hospital sits.<sup>60</sup>
- 3.16 Within the contract, Serco undertook a maximum of five metro and two regional hospital sits per day. Once Serco had reached their daily limit, prison officers were required to conduct the hospital sit. However, the amount of hospital sits provided under the contract was inadequate to service the number of prisoners requiring a stay in hospital. For the six months prior to the inspection Casuarina redeployed 453 staff from prison-based duties to hospital sits, with approximately 93 per cent of these being paid on overtime.<sup>61</sup>

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55 DCS, inspection debrief, 15 July 2013.

56 Ibid.

57 See also *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2012) 7.

58 The prison has a staffing profile for a lower population range of 531 to 580. The current model is based on a population range of 581 to 680 prisoners. The figures given represent the increases allowed for when the population increased to the current higher model.

59 High security escorts will be done by the Department's ESG.

60 Officers sit with the prisoner patients during their hospital stay.

61 DCS, Casuarina Prison, Casuarina prison officers external duty with overtime, 14/12/2012–14/07/2013. This equates to approximately 407 officers on overtime. Note: an exact number was not recorded as the overtime figures were given for the sum of officers on hospital sits (453), medical escorts (72), court (8) and other duties (1).

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- 3.17 Serco was also contracted to provide an amount of medical transport. To a lesser extent than hospital sits, the amount and kind of medical transport scheduled under the contract was not adequate for the prison's needs and custodial officers were sometimes lost to transport work because of the inadequate contract.<sup>62</sup> For example, during the six months prior to the inspection the prison redeployed 64 officers to medical escorts.<sup>63</sup>
- 3.18 Together, the redeployment of Casuarina officers for hospital sits, medical appointments and any other external duties amounted to up to 24 staff per day.<sup>64</sup>

#### Staffing Shortages, Excessive Overtime and Redeployment Costs

- 3.19 The staff shortages described above contributed to Casuarina's overreliance on overtime.<sup>65</sup> It was not uncommon to have more than 20 shifts per day being covered on overtime shifts. Departmental figures suggested that overtime accounted for 18.8 per cent of the total salaries wages and allowances budget. In addition to hospital sits and redeployments, other causes of overtime included personal leave (25.9%) and workers compensation (23.7%).<sup>66</sup> While these figures needed to be treated with some caution, they did suggest that unplanned leave absences were a key contributing cause for the prison's understaffing.<sup>67</sup>
- 3.20 Staff shortages at Casuarina have damaged the prison's ability to fulfil its multiple responsibilities, and contributed to service restrictions in prisoner rehabilitation and reintegration. The losses incurred through staff redeployment for additional hospital sits, and the high level of overtime staffing have had an adverse impact on staff wellbeing in addition to financial costs.

#### *Recommendation 2*

*Provide sufficient staffing levels to cover all of the prison's internal and external duties, including industries, education, staff training, medical escorts and additional hospital sits, without recourse to excessive overtime or redeployment.*

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62 Serco was not contracted to provide transport for medical emergencies, which may have contributed to the need for officer redeployment.

63 DCS, Casuarina Prison, copy of Casuarina prison officers external duty with overtime, 14/12/2012–14/07/2013.

64 DCS, Superintendent's Inspection debrief prior to the onsite inspection (15 July 2013).

65 When surveyed, the number of staff reporting that they work overtime on 'one or more shifts per week' was almost double the state average. This was similar to the results from the 2010 inspection survey.

66 DCS, Casuarina Prison (4143) – Summary of Overtime – 2012/2013 (July 2013). The largest category consisted of other various factors (41.8%).

67 The inspection team sought, but was unable to obtain, clarification of the correlation between the prison's figures for officer absences for hospital sits (3.16) and the Department's figures for overtime costs. The high number of staff recorded as working on hospital sits on overtime did not seem to be reflected in the Department's figures; this meant that the amounts and proportions given in the Department's overtime figures needed to be taken as suggestive rather than factual.

### Staff Selection and Recruitment

- 3.21 Casuarina's Aboriginal staff were able to use their knowledge of culture when dealing with prisoners, for example using Aboriginal language or considering cultural obligations. However, despite the large and diverse Aboriginal prisoner population only 1.5 per cent of staff at Casuarina were Aboriginal.
- 3.22 Only five per cent of surveyed staff respondents felt that recruitment processes operated effectively. In addition, a number of responses indicated that selections were made on the basis of social relationships rather than expertise. These claims were widespread and persistent.
- 3.23 Casuarina administration employs and trains new public servants at level one, the lowest pay level. However, as these positions were poorly paid new staff frequently left. This disrupted administration work, and wasted excessive management time on recruitment and training. The Department should provide sufficient incentives for Casuarina's administration team to be able to keep and nurture their new staff.
- 3.24 The prison also suffered from an overuse of short-term contracts. For example, several vocation support staff reported long term instability caused by their short-term contracts. One member of staff had been employed for seven years on 31 consecutive short-term contracts.

### *Recommendation 3*

*Improve staff retention and stability by:*

- a) ensuring that Casuarina employees working in ongoing positions have stability and are not employed through continuing renewals of short term contracts; and*
- b) providing attractive incentives and career pathways for early stage administration staff at Casuarina.*

### Training and Performance Management

- 3.25 The Department stated that it supported changes recommended by this Office to the Performance Appraisal and Development System (PADS) during the previous inspection.<sup>68</sup> Disappointingly, any efforts to improve assessment of performance and identify appropriate training and development made since 2010 appear to have been ineffective.
- 3.26 At this inspection prison staff and management were universally critical of PADS, describing it as a 'meaningless' system in which the vast majority of staff were rated as 'satisfactory' regardless of their actual performance. PADS was not used when allocating training and development resources, or in helping individuals to plan their future development. The system failed to facilitate goal setting and appraisal of effectiveness, motivation, coaching, and future skills development. This Office therefore reiterates its previous recommendation.

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68 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010), Recommendation 2.

*Recommendation 4*

*The Performance Assessment Development System should be revised to ensure that:*

- a) it facilitates accurate assessment of performance; and*
- b) it identifies and provides appropriate employee training and development.*

- 3.27 Experienced staff spoke positively about the quality of new prison officers, indicating a high quality of Academy training. While training for new recruits was well-regarded, there were some concerns about training for existing staff. Although there was a wide range of professional development courses available, some staff lacked confidence in the application process, and staff were generally unable to access non-core training. The prison also lacked compulsory development programs for supervisors.<sup>69</sup>
- 3.28 Casuarina had an enthusiastic and knowledgeable training team. Training was targeted for staff who would use the skills in their work. In 2012, high proportions of targeted staff were trained in essential skills including the use of breathing apparatus (96%), CPR (80%) and Senior First Aid (78%).<sup>70</sup>
- 3.29 Despite these positive results, there were some gaps in training delivery, which was sometimes hampered by a lack of training officers, and the redeployment of training and custodial officers for operational duties. One of the major gaps was the low proportion – 61 per cent – of targeted staff who had Gatekeeper training in the last six months of 2012. Similarly, only 55 per cent of surveyed staff received training in prisoner grievance policy and processes in this period.
- 3.30 The pre-inspection survey shows that there was no training in the management of prisoners with drug issues. Correspondingly, 55 per cent of surveyed staff did not feel adequately trained in this area. Only 53 custodial staff were trained in mental health in the last six months of 2012, and 59 per cent of staff surveyed did not feel adequately trained in this area. The prison had, however, developed plans to use mental health staff to deliver on-site mental health training to staff.<sup>71</sup>
- 3.31 There were also gaps in the delivery of training for emergency procedures. Fire awareness training and a live fire exercise was provided for only 67 staff at Casuarina in the last six months of 2012. Correspondingly, 55 per cent did not feel adequately trained for fires and natural disasters.<sup>72</sup>

69 See OICS, *Report of an Announced Inspection of Wooroloo Prison Farm*, Report No. 80 (August 2012) Recommendation 4. The Department supported Recommendation 4 of the Wooroloo inspection 2012 to provide supervisors training or senior officer and acting senior officers. However, it is not automatic or compulsory.

70 DCS, *Inspection Documentation 1.7, Satellite Training Records (2012)*. Figures are averaged for the last six months of 2012.

71 See [6.37].

72 Sixty-nine per cent of surveyed staff also did not feel adequately trained in emergency responses for a loss of control. Training staff reported that there was no specific training for a loss of control, but that various security training courses were relevant.

- 3.32 The inspection team identified several areas of possible improvement for the content of training. The first of these related to security procedures. There was a gap in the content of the training for cell extraction procedures.<sup>73</sup> The second related to administration practices. Casuarina administration staff required resourcing for entry-level online training in several areas, including human resources and finance.

#### Staff Support Mechanisms and Grievance Processes

- 3.33 Staff support mechanisms include critical incident counselling and support from managers. The inspection team heard of different levels of satisfaction regarding support. Some staff reported that they had been contacted regularly during their injury-related absence while others reported low levels of contact. Prison management should develop and apply staff support mechanisms consistently.
- 3.34 The staff surveys indicated an improvement in the ability to express and resolve work-related grievances, with 76 per cent of respondents positive about the grievance process compared with only 57 per cent in 2010 and the state average over the last three years of 60 per cent.
- 3.35 Casuarina management and staff also raised the issue of overly lengthy investigations. In some cases officers had been suspended for over 12 months while waiting for investigations to be concluded. This represented wasted resources, and an ineffective decision-making process. Where allegations of bullying were at issue, the overly lengthy investigation period also represented an opportunity for further abuse.

#### CONTRACTED SERVICES: TRANSPORT AND SCHEDULING ISSUES

- 3.36 As noted above, inadequate staffing for hospital sits was the major contract-service cause of excessive redeployment and overtime costs. In addition, there were procedural issues that caused inefficiencies, including scheduling problems.
- 3.37 Health appointment cancellations were excessive. Over a six-month period 154 of 687 external health appointments were cancelled.<sup>74</sup> The most common reasons were that the prisoner refused to attend (32%) and hospital and clinic rescheduling (30%). In some cases prisoners were given very short notice for appointments. Timely and effective communication with prisoners may help reduce some of the cancellations.<sup>75</sup>
- 3.38 Prisoners were often late for their court appearance or medical appointment. For example, in the first quarter of 2013, 40 of 108 court transfers were late. This was generally due to delays in preparing prisoners for transport in the mornings. The prison could achieve some improvement with a better staff-to-prisoner ratio to enable greater efficiency of movements in the mornings.<sup>76</sup>

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73 For security reasons, this was the subject of private correspondence with the Department.

74 DCS, TOMS, Scheduled External Health Events Statistics – State, 25 February 2013.

75 This Office holds the view that this can be achieved within the prison's management of any possible security issues.

76 This may include amending staffing to enable earlier unlocks for prisoners requiring transport. See also OICS, *2012/13 Court Custody Centres' Inspection*, Report No. 87 (December 2013).



- 3.39 Serco's practice of taking prisoners for various appointments in one vehicle, including court and medical appointments, frequently caused unreasonably long journeys for prisoners.<sup>77</sup> This was caused by the terms of the contract, which limited the service provider to the use of buses to carry groups, rather than small vehicles for individuals.

*Recommendation 5*

*Review the contract for prisoner transport and hospital sits to ensure that the level of demand is met for Casuarina and other Western Australian prisons.*

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77 Ibid.

# Chapter 4

## SAFETY, SECURITY AND PRISONER MANAGEMENT

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- 4.1 This chapter examines Casuarina's provision of safety, security and prisoner management. The chapter notes the prison's progress since the last inspection, based on improved staff-prisoner relations, good dynamic and procedural security, and a reduced population.
- 4.2 The atmosphere at Casuarina had generally been found to be calm and settled throughout 2012–13, due to competent prisoner management. This improvement since 2010 had been aided by an increase in single cell occupancy. The pre-inspection prisoner survey identified a significant increase of feelings of safety. Eighty four per cent of surveyed prisoners indicated that they 'mostly felt safe', compared to only 53 per cent in 2010.
- 4.3 Organised criminal gangs remain a management problem at Casuarina. In addition, the staff survey indicates that prison officers would like more support for handling difficult-to-manage prisoners. Staff and prisoners also noted that mentally ill prisoners were sometimes vulnerable to bullying in the mainstream units.

### DYNAMIC SECURITY

#### Generally Positive Staff-Prisoner Relations

- 4.4 Surveyed prisoners reported that staff were one of the best things in the prison, but also one of the worst (see below). Seventy-one per cent of surveyed prisoners felt that they got along well with unit officers in 2013, compared to only 47 per cent in 2010. Surveyed prisoners also reported that unit officers were second only to other prisoners as a trusted source of help.<sup>78</sup> Correspondingly, surveyed staff indicated that helping prisoners was one of the best things about working at Casuarina.
- 4.5 During the inspection the inspection team witnessed some positive interaction between staff and prisoners, and some evidence of good people management based on trust and rapport. Prisoners spoken with during the inspection were generally, but not universally, positive about the prison's staff. Members of the inspection team observed some inadequate interactions including an instance in which an officer failed to reprimand a verbally abusive prisoner.
- 4.6 There was evidence of improving staff procedures and culture, which contributed to improved relations. Surveyed prisoners reported that 35 per cent of staff treated them with dignity, compared to only 20 per cent in 2010. Where 72 per cent of surveyed prisoners reported that officers used too much force in 2010, only 49 per cent did so in 2013. Forty-six per cent of surveyed prisoners reported that officers apply the rules fairly, compared to 38 per cent in 2010.

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78 Thirty-seven per cent of surveyed prisoners nominated unit officers.

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- 4.7 Despite the generally positive atmosphere, surveyed prisoners also rated staff the worst thing about life at Casuarina. The inspection team found accounts of abusive behaviour by some *individual* officers.<sup>79</sup> These suggested that some officers were involved in bullying, including threatening and abusive language, or racist and bigoted language. There were also suggestions that some prisoners lacked confidence in the grievance and complaints mechanisms.<sup>80</sup>
- 4.8 In addition, prisoners and some service providers reported that while some officers were helpful and engaged, others were not. There were reports that some officers did not call prisoners to attend some peer support meetings and programs. Staff reported that some custodial officers were spending too much time in their unit offices, and too little time engaging with prisoners. Observations by team members during the inspection period support these views. During the inspection prison management outlined plans to update unit officer regimes in order to facilitate more contact with prisoners and less time spent in the confines of their unit offices.

#### ENCOURAGING COMPLIANT BEHAVIOUR

- 4.9 Casuarina prison aims to operate a hierarchal system of privileges for the prisoners. Privileges were earned and rewarded for behaviour that complied with the prison's regulations and regimes, and taken away as a consequence of non-compliant behaviour. Self-care accommodation represented the highest level, where self-responsibility was encouraged (including being able to cook) and prisoners were entitled to enhanced privileges such as more electrical items in their cells. Other accommodation used for basic and closed regimes provided the lower end of the hierarchical system.<sup>81</sup>
- 4.10 This system had previously been hampered by the prison's accommodation overcrowding.<sup>82</sup> Casuarina's lower population and greater accommodation capacity provided an opportunity for improvement. The new units (Units 13 and 14) provided more enhanced accommodation, and increased the prison's ability to encourage compliant behaviour.
- 4.11 While the new units were being used on a single-cell basis, when first moved into the self-care accommodation (Unit 7) prisoners were likely to have to share a cell.<sup>83</sup> The prison therefore had some further work to do in clarifying its hierarchical management, as prisoners preferred the new units over Unit 7, the facility and regime designated as the highest reward for compliant behaviour.

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79 The views here expressed were gathered from multiple sources including staff and prisoners. Allegations were also reported to liaison staff during visits throughout 2012–13.

80 See [5.44].

81 DCS, Casuarina, Local Order 2, *Hierarchical management and close supervision*, 3: 'Prisoners whose behaviour is prejudicial to the good order and government of the prison may be removed from the freedom and privileges of the normal routine and placed under basic supervision, or placed in the Multi-Purpose Unit or Unit 1 under close supervision in accordance with Regulation 54c'.

82 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) 29.

83 Prisoners also reported that they preferred the new units because they have a shower and toilets in their cells and the accommodation is newer and cleaner than the other units.

#### LEGAL RESOURCES AND RESTRICTED REGIMES

4.12 Close and basic regimes work as the lower end of hierarchical management, restricting difficult-to-manage prisoners to fewer privileges.<sup>84</sup> The inspection team encountered examples of the operation of these regimes that also gave rise to allegations of restricted access to legal materials, services, and communication. These regimes need to be managed to allow for preparation for and attendance at court proceedings.



*Figure 4: The courtroom used for court and social video links*

#### PRISONER MANAGEMENT AND SPECIALIST UNITS

4.13 Several of the prison's facilities have specific security roles. Casuarina's Multi-Purpose Unit (MPU) holds difficult-to-manage prisoners but lacks sufficient capacity. Officers had consequently been managing such prisoners in the units, and surveyed staff cited these prisoners as the one of their major causes of stress.

4.14 The creation of an additional MPU area for management and punishment, in two wings of Unit 1 reportedly had some positive influence in maintaining good order and safety. This was reported to have enabled the prison to better separate difficult-to-manage prisoners, including those who were involved in gangs. Anecdotally, the management wing was effective in managing prisoners and has improved the atmosphere of other units by removing bullying prisoners.

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84 DCS, Casuarina, Local Order 2, *Hierarchical management and close supervision*.

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- 4.15 The Special Handling Unit (SHU) has been subject to two recent reviews, carried out in September 2011 and October 2012.<sup>85</sup> The first review was undertaken on site and provided 16 recommendations. This review was comprehensive and covered almost all areas of the SHU. The second desk-top review examined the previous review of 2011, the existing Adult Custodial Rule 2, and the Victorian Ombudsman's recommendations into death of prisoner Carl Williams at HM Barwon Prison (April 2012).<sup>86</sup> This review put forward 20 recommendations, most of which reiterated those of the 2011 review. At the time of the inspection most of the recommendations had been implemented.
- 4.16 Prior to the use of part of Unit 1, the prison had been using one wing of the SHU to house prisoners for punishment. Following the reviews the prison ceased using the SHU wing as an overflow for punishment prisoners, and started using one wing of Unit 1 instead. This better enabled the prison to fulfil its statewide role and manage the high volume of punishment that occurs both through prisoners transferred from other prisons and local prosecutions. Sensibly, the prison plans that Unit 1 should also manage the other restricted regimes. The management regimes will be delivered more effectively if they are all in the same area of the prison.
- 4.17 Despite the positive aspects of this additional resource, there were several problems. The first, discussed elsewhere, was that the management wing replaced the accommodation formerly used to allow displaced Aboriginal prisoners to reside together.<sup>87</sup>
- 4.18 The second was that this type of basic regime facility was not suitable for some prisoners who presented as non-compliant with prison regimes because of health and age-related conditions.<sup>88</sup> Although prison management and staff worked constructively to manage such prisoners, these would be better placed in a dedicated assisted care unit.

#### BULLYING AND THE NEED FOR INDEPENDENT PROCEDURES

- 4.19 Casuarina was previously found to have suffered from staff bullying.<sup>89</sup> However, the 2010 inspection report stated that an 'increased awareness among officers and the proactive management of bullying shown by Casuarina administration' had had 'a destabilising effect on a bullying culture.'<sup>90</sup> This inspection found that there was less reported evidence of officers bullying prisoners and other officers than at the time of the last inspection. Training, awareness raising, and greater staff readiness to employ complaint mechanisms may have contributed to the reduction in reported incidents of bullying.<sup>91</sup> Staff also reported that some of the worst bullies had left the prison. The prison was continuing to develop its anti-bullying strategies. At the time of the inspection a new anti-bullying committee has commenced for prison staff, allowing staff to complain informally to a Grievance Officer.

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85 DCS, Special Handling Unit Review, September 2011; DCS, Review of Special Handling Unit, 18 October 2012.

86 Victorian Ombudsman, *The Death of Mr Carl Williams at HM Barwon Prison – Investigation into Corrections Victoria* (April 2012).

87 See also [9.31]–[9.32].

88 See also [8.11]–[8.13] and [8.17]–[8.18].

89 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 49 (May 2008) 12–13, Recommendation 5.

90 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) 18.

91 *Ibid.* This change in staff culture had begun to develop at the time of the previous inspection.

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- 4.20 Despite the reduction in reported incidents, there remained allegations that some bullying of staff has continued. During the inspection, some staff also raised concerns about certain officers bullying prisoners, using derogatory language and threats, demonstrating racism and bigotry, using excessive force, and in some cases having ‘pet’ prisoners.<sup>92</sup> Worryingly, some of those alleged to be involved in bullying had been similarly identified in previous inspections.
- 4.21 This Office discovered some evidence of underreporting of incidents by officers, and a lack of confidence in the system. Some staff were reluctant to make allegations as they felt some bullies were being protected and that the Department had not protected officers who had reported incidents from ongoing retaliation.<sup>93</sup>
- 4.22 Some officers spoke of their experiences of reporting incidents to ACCESS as having been stressful and counter-productive.<sup>94</sup> The ACCESS process involves sending the investigation back to the prison and informing the accused, practices which are required for procedural fairness and natural justice. However, these processes may sometimes create the possibility of further bullying, and sometimes appeared insufficiently independent of the management and staff culture in which the alleged incidents may have occurred.

#### PROCEDURAL SECURITY<sup>95</sup>

##### Controlled Access and Contraband Searches and Systems

- 4.23 Casuarina had appropriate methods and systems of detection in place at the front gate for drugs and contraband. The prison also had appropriate ways of controlling the access and identification of persons entering the prison. Biometrics was being used and appeared to be functioning effectively at the time of the inspection.
- 4.24 There were good search systems to detect and confiscate contraband and drugs that have been introduced, manufactured or carried into the prison by prisoners, visitors, staff or others entering the prison. However, staff were not searched when leaving the prison.
- 4.25 The stores processes presented a risk of contraband trafficking. The goods were usually delivered by suppliers before workers were available to sign for and monitor the delivery of goods. The goods were supposed to be searched and accounted for by the stores staff; however, these stores staff were not sure of what was permitted to enter the prison. Stores staff also stated that they were usually understaffed. Consequently, searches were often cursory or not carried out at all. The stores process also lacked adequate monitoring of delivery and receipt of goods.

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92 Similar concerns were raised in liaison visits and by Independent Visitors in 2012–13. In the case of two officers alleged to have been involved in bullying of homosexual prisoners, the Department had commenced internal investigations. These had not been resolved at the time of writing. Prisoners raised similar concerns.

93 Similarly, officers also feared retaliation based on discovery of any discussions held with this Office.

94 Rather than report incidents, some staff swapped shifts and took sick days to avoid working with alleged bullies.

95 This Office provided detailed notes on security infrastructure to the Department. For security reasons, some of that material has not been reproduced here.

#### Intelligence

- 4.26 The security team utilised several methods of intelligence gathering to combat the trafficking, misuse or presence of drugs in the prison. Security had established good relationships with officers and prisoners, and prisoners were able to provide information without the fear of being identified by other prisoners.
- 4.27 Since the last inspection the prison has gained an Intelligence Collator. The collator has revamped the security portal, which was continually updated with new information, links and guidelines. Staff stated that there had been a marked increase in the quantity and quality of information provided. This position was poorly remunerated when compared to similar positions in other departments (including police). This undervaluing may result in retention issues.

#### Flawed Methodology for Urine Testing

- 4.28 The prison conducted urine prevalence testing using random lists of prisoners. There were concerns that the statistics provided by the tests failed to accurately reflect prisoner drug use. As Casuarina conducted the tests over three days, many prisoners tested on the last day received sufficient warning to ensure a negative result.
- 4.29 Security staff reported that unannounced targeted testing would yield a higher return of positive results. Many officers see this form of testing as providing a better deterrent to prisoners, as prisoners believe that testing could occur at any time. Testing periodically over a longer period would also alleviate the excessive drain on staff resources required for the three-day tests.

#### Insufficient Camera Coverage, Surveillance and Recording

- 4.30 Cameras in the units and throughout the prison do not provide full coverage and surveillance. The cameras did not provide sufficient coverage of the open areas and there were other blind spots around the prison. Trees and branches also obscured the coverage provided by some cameras.
- 4.31 With the exception of a few cameras in the new units, most of the cameras throughout the prison did not auto record. In most cases an officer needed to manually initiate recording. Consequently, the prison has sometimes been unable to provide the police with footage of incidents, including alleged assaults. This record would be invaluable in managing risks to prisoners and staff, including any risks of unfounded allegations.

#### *Recommendation 6*

*Review the cameras, locations, recording abilities and vision with a view to upgrading existing cameras, providing new cameras to eliminate blind spots, and ensuring that cameras are auto recording.*

#### Need for a Sally Port Enclosure

- 4.32 Transport vehicles were parked outside the reception sally port because they did not fit in the sally port. This area was the closest point to the fence and front gate. As noted above, it did not have camera coverage. The inspection team observed that the Serco officer's management of prisoners in this area was not sufficiently secure. There is a need for a secure enclosure to manage the movement of prisoners. The enclosure needs to be able to accommodate any vehicle from the transport fleet.

#### Cutting-Edge Fence Management

- 4.33 The integrity of the perimeter fence is regularly monitored. This Office has previously noted a lack of safe methods for retrieving any person caught in the perimeter razor wire fence.<sup>96</sup> Commendably, this had been improved. The Department had an agreement with the Fire and Emergency Services (DFES), which will perform retrievals, using up-to-date equipment and appropriately trained staff. Casuarina officers received training in the security process required during any fence retrieval. The collaboration between the prison and DFES ensured good management of the risks posed in the case of any person being caught in the wire.

### OCCUPATIONAL SAFETY AND HEALTH

- 4.34 Casuarina's occupational safety and health (OSH) committee held monthly meetings and conducted quarterly inspections of workplaces. Work areas nominated safety and health representatives and training was available for them. At the time of the inspection a dedicated OSH coordinator had just commenced.
- 4.35 Despite the prison's provision of appropriate processes, less than half of surveyed staff felt that OSH processes worked effectively at Casuarina. There was some evidence of reluctance by certain safety and health representatives to conduct inspections, citing a lack of training and experience.
- 4.36 The OSH committee agenda was dominated by long-term maintenance issues. For example, the construction of a concrete ramp and a painting task had not been resolved after more than three years. This was unacceptable.
- 4.37 The inspection team heard that staff were working around resource constraints in order to complete tasks. For example, staff were standing on chairs during the course of searches because no ladders were available. Although this Office understands that the prison operates within resource constraints, these should not be allowed to negatively impact upon occupational safety and health.

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<sup>96</sup> OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2012) 12. Greenough and Eastern Goldfields prisons have acted to remedy razor wire risks previously identified by this Office. See, OICS, *Report of an Announced Inspection of Greenough Regional Prison*, Report No. 83 (March 2013) 15, 52; OICS, *Report of an Announced Inspection of Eastern Goldfields Regional Prison*, Report No. 72 (August 2011) vi, xiv, 63–64, Recommendation 16.



# Chapter 5

## EVERYDAY LIFE ISSUES

- 5.1 This chapter provides an account of the major living condition issues of concern to prisoners, their families, and to staff and management at Casuarina. The basic living condition issues examined include the prison's overly fatty diet, the chronically inadequate kitchen, pests in accommodation units, and inadequate orientation information provision. Social support and self-representation issues included peer support, prisoner representation, and the lack of independent complaint processes. Insufficient recreation was an issue of particular concern.

### FOOD, CANTEEN, LAUNDRY AND UNITS

#### Food

- 5.2 Prior to the commencement of the 2013 inspection, 80 per cent of surveyed prisoners rated the food quality as poor, compared with the state average over the past three years of only 54 per cent.
- 5.3 Prisoners were concerned with the level of fat and processed food served and were hoping for fresher options. Casuarina's menu was based on Australian Dietary Guidelines. The guidelines advise that a male aged 19–50 years should consume grains found in products such as breads, cereals, rice and pasta. However, while the guidelines recommend whole grains to protect against heart disease and diabetes, Casuarina's menu consisted of predominately refined grain foods.<sup>97</sup>



Figure 5: The kitchen provides some low fat meal options

97 DCS, Casuarina six-weekly menu.

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- 5.4 The Australian Dietary Guidelines also recommend that foods containing saturated fats, added salt and added sugar should be limited. This includes cakes, pastries, pies, processed meats, burgers, pizzas and other fried food.<sup>98</sup> At Casuarina these options were served regularly. Prisoners can only be on a low-fat diet if prescribed by the doctor, which prisoners were reluctant to do because they were concerned that they would have limited menu choices.
- 5.5 Despite prisoner concerns about healthy eating, the canteen sales for the second-half of 2012 showed that sugary snacks were the most popular products. Healthier options such as diet soft drinks, sugar substitutes and nuts barely sold at all. This suggested a strong need for healthy eating life skills education.
- 5.6 The kitchen provided special meals to prisoners on restricted diets for medical, personal or religious reasons. Vegetarian options were available. The inspection fell during the period of Ramadan. This year, kitchen staff were not aware of Ramadan and consequently had not consulted Islamic prisoners to offer catering for those prisoners participating in this religious requirement.<sup>99</sup>

#### Kitchen

- 5.7 The kitchen was originally designed as a food reheating facility catering for 320 prisoners. In 2008 the kitchen received a minor upgrade, enabling the preparation of food on site.<sup>100</sup> At the time of the last inspection in 2010 this Office reported that the kitchen was struggling to service the existing population and needed upgrading.<sup>101</sup> At this inspection the kitchen – catering for more than 600 prisoners – continued to struggle. The kitchen was cramped, noisy and slippery. There was a lack of dedicated thawing and storage areas and the dish washing area was too small. The prison's longstanding plans to expand the kitchen had not yet been approved.
- 5.8 While the staff and prisoner workers were doing their best to provide safe food handling practices in the kitchen, the limited space for preparing meals posed an unacceptable risk to safe procedures because of the limits on staff supervision. The Department therefore needs to fund the building of a larger and adequately equipped kitchen. This is particularly urgent as Casuarina's prisoner numbers will increase again when all units are operational.

#### *Recommendation 7*

*Expand the kitchen or build a new kitchen with sufficient capacity to meet current and future prisoner population demand.*

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98 Ibid.

99 Casuarina had approximately 10 Islamic prisoners at the time of the inspection.

100 OICS, *Report of an Announced Inspection of Casuarina*, Report No. 68 (November 2010) 45.

101 Ibid. Note, there were 20–25 prisoners employed to work in the kitchen.

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#### External Storage: Food Temperature Control

- 5.9 The temperature of perishable foods going into stores was monitored and again checked as the goods were sent into the prison. However in some cases when the kitchen's cold store was full the items were left outside the cool room. If food items cannot be placed in the kitchen (especially food requiring refrigeration) they should be returned to the stores until room is available in the kitchen.

#### The Canteen and Self-Care Unit – Facilitating Positive Life Skills?

- 5.10 Unlike Boronia Pre-Release Centre for Women and Bunbury Regional Prison's Pre-Release Unit, the canteen did not offer any links to life skills. These facilities manage prisoner purchases through a supermarket model, enabling prisoners to manage their budgets and providing guidance in making healthy choices.<sup>102</sup> This would be of particular benefit to prisoners residing in the self-care unit, and the semi self-care in Units 13 and 14.<sup>103</sup>
- 5.11 Unit 7 prisoners prepared and cooked their own meals while Units 13 and 14 have their meals provided by the kitchen, while being allowed to prepare and cook some meals and snacks. At the time of the inspection, the food was allocated according to the prisoners' nominated food choices, without any established budget system. The lack of food budgeting was a lost opportunity to help prisoners to develop life skills.

#### Laundry Services

- 5.12 The laundry was adequately staffed and resourced, though the vocational support officers were employed on rolling contracts rather than in permanent positions. This needed to be resolved so that those officers could more confidently engage in longer term planning for the facility.
- 5.13 Previously most prison laundry had been outsourced to Hakea Prison. The decision to move this function in-house was estimated to have saved more than \$600,000 in the first two years of operation, and provided employment and training for Casuarina prisoners.<sup>104</sup>

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102 OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011) 35–37; OICS, *Report of an Announced Inspection of Boronia Pre-Release Centre for Women*, Report No. 79 (July 2012) 33–35.

103 One wing of Unit 14 accommodates prisoners undergoing programs on an enhanced semi self-care regime. The other wing is standard accommodation and regime. Unit 13 also contains some enhanced semi self-care accommodation.

104 DCS, Casuarina, Laundry saving estimate, 2010–13. The on-site laundry was recorded as having saved \$672,569 within its first two years of operation.

### Units and Hygiene

- 5.14 Sixty-eight per cent of surveyed prisoners reported that their unit conditions were good. However, staff and prisoners reported that the older units had ongoing problems with cockroaches and rats.<sup>105</sup>
- 5.15 Other unit issues important to prisoners included temperature, privacy, and access to television in cells. Units were not well insulated, leading to complaints of extremes of cold and heat. The units rely heavily on heating in the winter and are known to be uncomfortably hot in the summer. Fifty-nine per cent of surveyed prisoners reported that shower and bathroom facilities were good. Prisoners in Unit 6 appreciated the addition of shower doors which provided some previously missing privacy.
- 5.16 The lack of televisions in cells in Unit 5 was inconsistent with provisions in other prisons and in Units 13 and 14 of Casuarina.

## ORIENTATION AND SOCIAL SUPPORT

### Orientation

- 5.17 New prisoners were provided with a written guide to the prison. However, many prisoners rely on verbal rather than written forms of communication. Only 37 per cent of surveyed respondents in 2013 felt that they received enough information on arrival to understand how the prison works. This is worse than in 2010 (51%) and the state average over the past three years of 63 per cent.
- 5.18 Despite this negative view on information provision, 51 per cent of surveyed prisoners reported that staff were 'okay' in helping them when they first arrived compared to only 34 per cent in 2010 and the state average of 48 per cent.
- 5.19 Prison Support Officers (PSOs) were directly involved in the Casuarina reception and orientation processes, distributing printed information and making contact with new arrivals. However, peer support prisoners were not involved in orientating new prisoners, although this is a standard process in most other prisons.<sup>106</sup> Given the size and diversity of Casuarina, it would be better if prisoners were supported by peer support members representative of their likely unit placement, ethnicity and age.

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105 Anecdotally, inspection staff were told that equipment moved from the older units to the new units contained cockroaches, and that at least one of the new units was likely to have a cockroach problem.

106 Instead, one dedicated Unit 5 prisoner assisted new prisoners.

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Peer Support

- 5.20 Peer support has been lacking at Casuarina and had suffered from staffing problems. Until Christmas there was no PSO. At the time of the inspection the prison had two PSOs, one of whom had just commenced. The lack of PSOs at Casuarina was indicative of insufficient management of and support for the service. However, at the time of the inspection the Department had commenced an improvement of its management of the PSO service.
- 5.21 Peer support prisoner meetings were held fortnightly, with minutes taken and actions progressed. The Deputy Superintendent attended and was supportive, providing answers to questions which were then printed in the Casuarina newsletter.
- 5.22 Peer support prisoners could not access prisoners in other units. This movement restriction should be rectified to enable better peer support. Peer support prisoners reported they would be better able to support prisoners if they were able to visit them in their units. Peer support prisoners were being restricted because of fears of trafficking. Peer support prisoners pointed out that they were already security cleared, and felt that the restriction demonstrated a lack of trust.

Visits

- 5.23 Sixty-eight per cent of surveyed prisoners reported that Casuarina's visits process was an easy way of keeping in contact with friends and family, compared to only 59 per cent in 2010. Three-quarters of prisoners surveyed for this inspection felt that their visitors were treated well. This result was above the state average over the past three years of 67 per cent.



Figure 6: The children's' area in the visits facility

- 5.24 Casuarina provided hour-long visiting sessions on weekdays, and six one-hour sessions on weekends. Prisoners could earn more visits for good behaviour (as reflected in their privilege levels). Remand prisoners could have daily one-hour visits.
- 5.25 Visitors were required to book their visit by calling the booking office during restricted weekday hours. At the time of the inspection the booking system had recently changed to place callers in a queue, rather than cutting them off when the officer was unavailable. Visits staff have subsequently received positive feedback from callers. Despite this improvement, the inspection team heard complaints that visitors still could not get through on the booking phone line. Visitors also experienced difficulty in cancelling bookings on weekends, as the booking officer only worked weekdays.
- 5.26 Commendably, the prison ran family incentive visits for prisoners who were entitled to one additional family visit per month. The incentive visits were awarded on the basis of compliance with prison regulations and regimes. These visits were being held on Fridays. These visits were lacking numbers because families were reluctant to take children out of school.<sup>107</sup> It may be better to hold the incentive visits on the weekend.
- 5.27 Visitors could book a seat on the prison-provided bus, which travels from Kwinana train station to the prison. Commendably, free child care was offered on weekend afternoons in the visit centre (but not in the external Outcare visits facility). An area, filled with play equipment, was set aside for the children.
- 5.28 The video link software at Casuarina was used daily for court appearances, making video link visits difficult to schedule. Online visit services were not available. This compared badly with other prisons such as Albany and Pardelup where prisoners located remotely from their social networks were able to use online services such as Skype.

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107 The Hakea family incentive visits, held on Saturdays, were more popular than at Casuarina because weekend incentive visits were more accessible for families with school-aged children.

Outcare

5.29 Prisoner visits were facilitated by the service provider Outcare. Outcare assisted visitors with information when they first arrived at the prison and helped them register. The Outcare staff demonstrated care for their clients.<sup>108</sup>



*Figure 7: Childminding facilities in the Outcare building – currently unused*

5.30 Outcare had a child care area in their building. This was not functional at the time of the inspection as the child care worker could not leave to take children to the bathroom because it would leave the remaining children unsupervised.

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108 The prison provided soup for visitors on weekends. This was augmented with bread purchased and provided by Outcare.

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External Contacts and Communication

- 5.31 The mail system appeared to work well; 82 per cent of surveyed prisoners reported that mail was an easy way to keep in contact with friends and family. This was higher than the state average (74%).
- 5.32 Remote telephone allowances were provided to prisoners who are out of country and cannot receive visits. However, if the prisoner received a visit from their home region, they automatically lose the phone allowance. This represented an overly restrictive policy, as some remote prisoners who received occasional visits were normally reliant on the phone to stay in touch.

**LACKING A VOICE: MAKING COMPLAINTS AND REPORTING GRIEVANCES**

- 5.33 Prisoners reported that unit meetings were not run in a consistent, representative and effective fashion. These were often convened at short notice, with few prisoners present. Prisoners were frequently unaware of unit meetings having been held, and were sceptical of their effectiveness.
- 5.34 The lack of an effective voice for prisoners within the prison system and the inability to engage in discussion of prison matters with prison management arguably leads to higher rates of formal and informal complaints and grievances, and to higher rates of prisoner frustration and subsequent behaviour management problems. This is an important issue at Casuarina where surveyed staff nominated difficult-to-manage prisoners as the third most stressful thing about working at this prison.
- 5.35 The lack of an effective mechanism for communication between prison management and the prisoner groups also represents a missed opportunity for the prison to make use of prisoner information as a check on the consistent implementation of prison regulations and procedures.<sup>109</sup> Similarly, it represents a missed opportunity for prison management to effectively communicate information about departmental policy and prison practices to the prisoner groups.
- 5.36 It would be better for Casuarina to follow the lead of prisons where prison forums are run, allowing prisoners a form of constructive engagement with prison management, and a voice in respect of the conditions of prison life. Where this has been done, prisons have also found that PSOs are better able to focus on providing the necessary emotional support for prisoners.<sup>110</sup>

*Recommendation 8*

*Ensure regular scheduled unit meetings are held and establish a representative prisoner forum similar to those run at Acacia, Albany and Bunbury prisons.*

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109 Surveved prisoners rated relations with staff highly and service providers praised most staff for their facilitation of services. However some of the officers' conduct described by prisoners was inconsistent with prison regulations and regimes.

110 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) 29; *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (June 2012) 59; see also the discussion in *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011) 28. Bunbury's prisoner council commenced in 2012.



#### Moving to the Phone Complaint System

- 5.37 The Department provides prisoners with both a grievance and complaints process. The grievance process was designed to allow prisoners to address individual issues, such as case conference decisions, security ratings, and requests for transfer. Prisoners lodged written forms with their unit officer and the grievance was dealt with in the unit.
- 5.38 The prisoner complaints process was designed to allow prisoners to address systemic issues such as those concerning health, unit conditions, visits, programs, education, employment, telephone use and discrimination. Complaints could be made in writing or over the phone to ACCESS (Administration of Complaints, Compliments and Suggestions).
- 5.39 The Department was considering moving all complaints and grievances to the ACCESS system thereby eliminating the need for a separate grievance process.<sup>111</sup> This was intended to reduce the possibility of confusion, and reflect trends in prisoners' use of the systems where a preference for the phone based system was evident.<sup>112</sup> For example, for the six months until 30 January 2013, Casuarina prisoners submitted 189 phone complaints and only 15 grievances.
- 5.40 The change to a phone-based system was also intended to alleviate discrimination against prisoners with limited literacy. The Department wrote that:
- [T]he requirement that a grievance be lodged in writing has been recognised as substantively inequitable in view of the impact on people with limited literacy skills. By expanding the review and inquiry functions of the prisoner grievance process to the complaints process, by which verbal complaints are accepted, will eliminate this inequality.<sup>113</sup>

#### Lack of Independent Complaints, Grievance and Mediation Processes

- 5.41 ACCESS staff generally dealt with complaints on the phone by providing advice on prison regulations and regimes. Where further action was required, ACCESS complaints were referred to prison and relevant Department staff to manage. The staff involved were often advised of the complainant's identity in order to enable a relevant response. These staff provided responses to the ACCESS staff, who then informed the prisoner of the result (including any follow up action).

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111 DCS, *Prisoner Grievances: The integration of adult prisoner grievances into the ACCESS complaints framework*, discussion paper (April 2013).

112 DCS, *Integration of prisoner grievance process into complaints process*, letter to OICS (23 April 2013).

113 DCS, *Prisoner Grievances: The integration of adult prisoner grievances into the ACCESS complaints framework*, discussion paper (April 2013) 10.

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- 5.42 There was no internal appeal mechanism for complaints. However, the Department was considering an escalation and review mechanism for the complaints process.<sup>114</sup> This process was to be conducted by a dedicated Complaints Officer, when prisoners or staff requested further consideration following the initial examination of a complaint.<sup>115</sup> The Department was considering establishing a prisoner complaints review panel. The grievance system had previously had such a panel, consisting of the dedicated grievance officer, Adult Custodial and Professional Standards staff, and members of the community. Prisoners were able to appeal to this Department-managed panel for review of unfavourable decisions.<sup>116</sup>
- 5.43 Prisoners not satisfied with the Department's response can make confidential complaints to the Ombudsman, the Minister, and the Health and Disability Service Complaints Office.<sup>117</sup> These independent bodies and individuals can examine complaints that may have been previously sent to ACCESS.
- 5.44 Only 13 per cent of surveyed prisoners at Casuarina reported they would turn to ACCESS for help, compared to a state average of 24 per cent. Prisoners and family members expressed concern that the ACCESS system lacked independence from the prison and Department, and observed that staff involved in complaints were routinely notified of the complainant's identity. Some prisoners and family members raised the possibility of an ongoing process of independent oversight.<sup>118</sup>
- 5.45 Prisoners' families also told the team that in their view a mediation and communication service would form a valuable bridge between family members, the prison system and prisoners. Family members felt that the identification of a regular point of contact to discuss prisoner issues including complaints would aid prisoner management as well-informed family members would be able to talk through issues with prisoners.
- 5.46 Family members may experience a feeling of powerlessness and enhanced anxiety when informed by a prisoner of a situation they may be experiencing in the prison. This anxiety may increase when they are unable to discuss the matter with the prison. In most cases the prison is aware of the situation, and is taking steps to manage the issue, however, is unable to convey this information to the family because of the need to protect the privacy of the prisoner, or because of security constraints. Once, being able to discuss the issue with the Superintendent may have reduced the family's anxiety, even if the Superintendent was unable to provide any information. As the size of prisons have increased,<sup>119</sup> however, and the administrative workload on Superintendent's has increased<sup>120</sup> this has become more difficult. As a result there does appear merit in developing a specific point of contact within the prison who would have the seniority and experience to be able to talk to family members about their concerns.

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114 Ibid, 7. This mechanism was previously part of the grievance process. At the time of the inspection there was no position dedicated to this role in DCS.

115 Although a DCS employee, the grievance officer was independent of the adult custodial division.

116 The Department's review did not clarify whether the renewed panel would include community members.

117 Such mail that is sent to external agencies is sent in an envelope marked 'confidential'.

118 The inspection team conducted interviews with some family members of prison staff and with some family members of prisoners during the inspection period and as a follow-up measure.

119 Casuarina Prison was built with a capacity for 397 prisoners but presently houses 631.

120 OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 81 (November 2012) 26;

OICS, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No. 73 (October 2011) 11.

*Recommendation 9*

- a) Develop a pilot scheme at Casuarina to facilitate improved communication between prison management and family members of prisoners.*
- b) Monitor and review the pilot scheme in order to assess the desirability of developing a system wide service when resources allow.*

**INSUFFICIENT RECREATION**

- 5.47 Prison recreation is important for prisoners' mental and physical health while also developing skills to help people re-integrate back into society. Unfortunately, the prison's provision of recreation services had worsened since the last inspection.
- 5.48 Prisoners were generally negative about the restrictions on recreation at Casuarina. In the prisoner surveys, 62 per cent reported the amount of organised sport was poor, compared to 50 per cent in 2010, and a state average of 43 per cent. Similarly, 67 per cent reported that access to other recreation was poor, compared to 59 per cent in 2010, and a state average of 49 per cent. The library services were also rated as poor by 59 per cent, compared to 49 per cent in 2010, and a state average of 34 per cent.
- 5.49 Staff shortages and new movement restrictions contributed to poor recreation access. For example, when the prison was short on staff, recreation officers could be redeployed to units. Recreation was also restricted on some weekends because of staff shortages. Another restriction prevented prisoners who would normally leave early to receive medication from attending afternoon recreation.
- 5.50 To relieve some of pressure on the limited recreation periods, a second oval had been constructed between the new units. Prisoners and staff commented that was only used intermittently, as there was often insufficient staff for supervision.



*Figure 8: The oval between the new units*

### Recreation

- 5.51 Recreation officers were valued by prisoners for their ability to build team spirit. However, the level of trust between prisoners and recreation officers has been eroding since they have been doing additional work as custodial officers.

### Library

- 5.52 At the time of the inspection a new Library Officer had recently commenced. For the two years prior the library was staffed by officers who were frequently redeployed to custodial duties. Consequently, access to the library had been severely limited.
- 5.53 Casuarina's library is too small for the size of the population. The prison had plans to relocate the library to the Education Centre. The Department should ensure that this redevelopment provides sufficient capacity for the size of the prisoner population.
- 5.54 The library had a good range of fiction and non-fiction material and was well used. However, it had not had any new books in the year prior to the inspection. The library has many fiction books but most of these require good reading skills. The library had recently acquired donated fiction and non-fiction primary school books. The subject matter and storylines of these books may not hold the interest of adult males. The budget for new books should include spending on materials appropriate to adult prisoners' literacy levels and interests. This is particularly important as Casuarina acts as the hub for all prison libraries, and conducts all ordering and distribution.
- 5.55 At the time of the inspection Casuarina's legal resources were inadequate.<sup>121</sup> The librarian has ordered basic criminal law texts, a legal dictionary and major legislation, and stocked policy directives, adult custodial rules, operational instructions, standing orders, and local orders. Updated legal resources have been ordered for all Western Australian prison libraries.
- 5.56 There were two prisoner computers, only one of which was able to access the available legal resources (which are provided on disk).<sup>122</sup> This small number of computers was grossly inadequate to the needs of a population of more than 600. The library needs more computers for study, letter writing and parole applications. The prison should ensure that students have sufficient access to the computers after hours and on weekends. Commendably, peer support prisoners were assisting other prisoners with their parole applications.

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121 At the time of the inspection the Department also lacked an appellant librarian however head office had produced a JDF.

122 Both should be used for legal work. However, the disk drive in one of them was broken. Rectifying the problem has proved difficult because head office IT does not support these non-staff/networked computers.

# Chapter 6

## HEALTH AND MENTAL HEALTH

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### HEALTH: GOOD SERVICES IN POOR FACILITIES

- 6.1 This chapter examines the Department of Health and the prison's health service delivery at Casuarina. The chapter also examines the provision of mental health care.
- 6.2 Prisoners have higher health needs than the general community, with 'high levels of mental health disorders, illicit substance use, chronic disease, communicable disease and disability'.<sup>123</sup> Medical staff described the multi-factorial causes for complex health including risk-taking lifestyles, infrequent access to services prior to incarceration, and the effects of drug use. Medical staff commented that the level of clinical care required for the prison population was much higher than the general community. They noted the high numbers of Aboriginal people and others with complex health needs. They noted associated healthcare challenges such as the management of chronic illnesses and terminal care, and mental illness.
- 6.3 There is international agreement on the principle of equivalence, where services in a custodial setting should not be less than those provided in the community.<sup>124</sup> Moreover, principles of substantive equality require differential treatment in order to achieve equitable outcomes (see Chapter 8). Thus, in order to meet community standards in an equitable manner, the level of healthcare provided should match the particularly high needs of the prison population. The inspection found that Casuarina health services were generally guided by these principles, despite the practical challenges of the security environment, the limitations posed by inadequate facilities, and resourcing and policy restrictions.

#### Medical Centre Facilities

- 6.4 As noted in the 2010 inspection report, the medical centre has not been enlarged since the opening of Casuarina in 1991 when it had a design capacity of 397. At the time of the inspection it catered for a population of 631. As a result, there were insufficient examination rooms. Mental health staff cited instances of having to give injections in a corridor due to the lack of available treatment rooms. The emergency exit was accessed via the dental stores room where contaminated equipment is cleaned. The medical centre was also noisy and this was exacerbated by the practice of keeping doors open for security reasons. The Department needs to provide an upgraded medical facility sufficient to meet the needs of the current prisoner population and of future growth in numbers.

#### *Recommendation 10*

*Provide an upgraded medical centre, sufficient to meet current and projected needs of the prisoner population.*

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123 Australian Institute of Health and Welfare, *The Health of Australia's Prisoners 2012* (2013) 3. Unfortunately, only Western Australia participated in this study so this prevents accurate benchmarking against national data.

124 WHO Europe, *Promoting Health in Prisons: a WHO Guide to the Essentials in Prison Health* (2007) 27 accessed at: [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0009/99018/E90174.pdf](http://www.euro.who.int/__data/assets/pdf_file/0009/99018/E90174.pdf)

## HEALTH AND MENTAL HEALTH

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- 6.5 The staffing of the medical centre and infirmary was the responsibility of the Clinical Nurse Manager. There was good coordination between the two areas with nursing staff working between the two sites.
- 6.6 The prison provided a 24-hour, seven day per week ambulatory care and emergency response service. The medical centre provided a general practitioner (GP) clinic between 9.00am and 4.00pm Monday to Friday, with services made by appointment.
- 6.7 The delivery of primary health care included:
- general practitioner services and health promotion;<sup>125</sup>
  - chronic disease management and communicable disease management;
  - ambulatory care; and
  - emergency response and first aid.
- 6.8 The following allied health services are also provided:<sup>126</sup>
- diabetes education and dietetics;
  - dentistry, optometry, physiotherapy, and podiatry; and
  - radiography and sonography (ultrasound).
- 6.9 The proportion of surveyed prisoners who reported the general health service as ‘good’ rose from 33 per cent at the time of the last inspection, to 45 per cent. However, this was still worse than the state average of 57 per cent over the last three years. During the inspection prisoners reported that care was comparable or better than they had received in the community. Prisoners were generally happy with their medical treatment and with the medical staff.

### Access and Treatment

- 6.10 On arrival at Casuarina, prisoners were interviewed by a nurse within 24 hours. This followed a standard health screening process.<sup>127</sup> Prisoners told the inspection team that they had undergone initial screening and gained sufficient information from the orientation process to understand how to access health services.<sup>128</sup>
- 6.11 Commendably, medical staff underwent cultural awareness training. However, Aboriginal prisoners reported that lack of literacy was a significant barrier to accessing health services. The ‘orange form’ that the prisoners were required to fill in to apply for access to medical services was quite complex, and too difficult for people with limited literacy skills.

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125 DCS, *Casuarina Prison – Health Service* (23 July 2013).

126 Ibid.

127 This was entered onto the Department’s ECHO health records system using the format contained in DCS Form AMR1012.

128 Inspection interviews with prisoners 17 and 18 July 2013. This included regional and local Aboriginal men.

- 6.12 There was no structured support for prisoners with poor literacy who required help for the written form. Interpreter services were available over the telephone but Aboriginal men from remote regions generally had to rely on peer support prisoners to assist them when they had difficulty communicating with health staff (see 9.35). Prisoners reported that assistance from officers was inconsistent.

*Recommendation 11*

- a) Screening for literacy levels should be used to identify prisoners who will require assistance for access to medical services.*
- b) Develop a less complex referral process for medical appointments.*

- 6.13 A dentist and physiotherapist provided a weekly part-time service to the prison. The physiotherapy room had a very old examination bed that was not adjustable and required replacement. Forty-seven per cent of surveyed prisoners rated dental care as poor (compared to a state average of 44%). The dentist reported the under-supply of public dental services and the particularly high needs of prisoners meant there was a focus on acute services at the expense of treating chronic conditions. This longstanding systemic issue has been raised in previous inspection reports for Western Australian prisons.



*Figure 9: Dental suite*

- 6.14 Prisoners and staff complained that a podiatrist was only provided for half a day a month. Health staff reported that the prison needs a podiatrist at least twice a month for a full day.<sup>129</sup> This was a concern for prisoners suffering from diabetes who often have problems with their feet.

#### Medication Management

- 6.15 Medication was dispensed to prisoners in the units during the three daily medication rounds (morning, afternoon and night).<sup>130</sup> A system of access control provided safe access to the medication by the nurse and supervised administration of the medication via a hatch to prisoners. This allowed for personal communication between the prisoners and nurse, while maintaining the security of the medication. There was also an efficient and secure process for the delivery of Methadone.

#### Crisis Care

- 6.16 Casuarina prison provides the state's Crisis Care Unit (CCU) comprising 12 beds. Sixteen prisoners in total could be accommodated by using the additional four beds located between the CCU and the infirmary.
- 6.17 The CCU appeared to be well run and provided a good level of care. The Senior Officer demonstrated strong leadership and role modelling and the CCU team were well supported by the Assistant Superintendent Special Units. There appeared to be good working relationships between CCU custodial staff, prison counselling and mental health. Custodial staff had volunteered to work in the CCU, had good knowledge of and relationships with prisoners, and demonstrated expertise in managing this challenging group.<sup>131</sup> Prisoners who had used the CCU reported positively on their experiences.
- 6.18 Cells in CCU were of a reasonable standard. They had a bed, toilet, shower and sink. There was a camera with continual recording.<sup>132</sup> A TV was provided in each cell but there was little other daytime activity in the unit.

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129 Inspection team members spoke with health management staff and prisoners.

130 There were good security processes to control medication.

131 The Senior Officer had worked in the north-west, had some basic Aboriginal language skills and good rapport with Aboriginal prisoners.

132 Unlike most other cameras throughout the prison.



- 6.19 There were two operational observation cells at the time of the inspection. Their positioning directly opposite the medical resuscitation area was poor as the medical equipment could obstruct the transfer of prisoners. If prisoners in the observation cells were particularly disturbed they might also disrupt a resuscitation process.



*Figure 10: The space here is not suitable for both treatment and observation cells*

- 6.20 Prisoners identified as having a risk of self-harm were monitored under the At Risk Management System (ARMS) and reviewed by the Prisoner Risk Assessment Group (PRAG). The PRAG was observed and reported to be working well. Staff reported that it was a constructively collaborative group.

### Infirm Patient Services

- 6.21 The infirmary is a statewide facility. It accommodated prisoners with a range of serious physical health problems, including terminally ill patients and those discharged from hospital. It provided 20 beds, in single and double rooms. More infirm prisoners were accommodated in the unit next door to the infirmary which provided 13 single cells.<sup>133</sup>
- 6.22 The infirmary lacked sufficient capacity for the current prisoner population. A plan for expansion had been put forward, but not funded.<sup>134</sup> The lack of infirmary beds had reached 'crisis point' at the time of the inspection. This statewide problem required consideration of the provision of infirm prisoner accommodation throughout the prison estate, including Casuarina.

#### *Recommendation 12*

*Conduct an assessment of current and future demand for specialist infirmary services across the prison system and invest as necessary in Casuarina and other prisons.*

- 6.23 Problems have been exacerbated by pressures on nursing staff, and this sometimes resulted in the infirmary not being able to accept admissions. The opening of Units 13 and 14 created additional pressure on nursing staff because of the requirement to complete additional medication rounds. Pressures have been compounded by organisational problems with Serco transport of hospital discharges. Although prisoners are often discharged in the morning, Serco transport usually arrives at Casuarina at 6.00pm. This impacts severely on staffing as it coincides with the medication rounds, and a reduced number of nursing staff (two compared to five during the day).
- 6.24 The infirmary infrastructure appeared tired and there were problems with the disabled bathroom. The toilet area was not wheelchair accessible. The shower area presented potential occupational safety and health issues for nurses assisting disabled prisoners. In particular, the layout of this area meant that staff helping prisoners to use the shower had an elevated risk of back injuries.

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133 This was formerly the residential wing for prisoners undergoing sex offender treatment programs. Unit 13 now accommodates residential programs' participants.

134 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013) 10.

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**MENTAL HEALTH: HIGH NEEDS, COMPETENT CARE, INADEQUATE FACILITIES**

- 6.25 Prisoners are known to have much higher rates of mental disorder – including psychotic illnesses – than in the general population.<sup>135</sup> Remand populations have higher rates of mental disorder than sentenced prisoners and Casuarina prison has recently had an increase in its remand population. At the time of the inspection there were 50 prisoners on the mental health list, and an additional 50 on the Methadone program.
- 6.26 Casuarina was managing a significant number of prisoners with severe and enduring mental disorders who were chronically disabled by their illnesses. Such prisoners may remain psychotic despite treatment but do not reach the level of acuteness required to be transferred to the few beds within the State Forensic Mental Health Service. There were also a significant number of prisoners who have cognitive impairment which may impact on their functioning, behaviour and level of vulnerability.<sup>136</sup>
- 6.27 The prison therefore had to manage high levels of complex and chronic mental health care need, with associated behavioural problems and vulnerabilities. These prisoners were often managed between the CCU, Unit 1, Unit 5 and Unit 6. They commonly experience restricted regimes because of this. There was a gap in the service provided by the CCU and other units. While Casuarina’s comorbidity nurse delivered on-site mental health training to custodial officers, such prisoners were often incorrectly assessed as being non-compliant. They were also subject to bullying by other prisoners in mainstream units.
- 6.28 The Department stated that both Health Services and the Department ‘realise the need for an increased availability of mental health facilities, both in staffing and dedicated buildings’, and added that ‘options are currently being reviewed and costed’.<sup>137</sup> Casuarina’s expertise and leadership in the multidisciplinary management of these prisoners could be augmented through the provision of a specialist unit to provide appropriate accommodation and services for mentally ill and vulnerable prisoners. Any such development, however, needs to be considered in terms of the needs of the wider prison estate. These considerations should include examination of the shortfall of prisoner accommodation at the Frankland Centre, the statewide forensic mental health facility. The capacity of the Frankland Centre remains limited to its original (1993) design. The state prison population has more than doubled since 1993, while the number of beds at the Frankland Centre is still just 30.<sup>138</sup> Similarly, Health Services and the Department should consider the possible need for dedicated mental health facilities in other prisons, including Acacia, the state’s dedicated medium security facility.

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135 Butler T, Allnutt S, Cain D et al., ‘Mental Disorder in the New South Wales Prisoner Population’ (2005) 39 *Australian and New Zealand Journal of Psychiatry* 407–413; Cumming I & Wilson S, ‘Mentally Ill Prisoners and Mental Health Issues in Prison’, in Wilson S & Cumming I (eds) *Psychiatry in Prisons* (London: Jessica Kingsley, 2010); Fazel S & Danesh J, ‘Serious Mental Disorder in 23,000 Prisoners: A systematic review of 62 surveys’ (2002) *The Lancet* 359, 545–50.

136 At the time of the inspection the comorbidity nurse estimated the prison held 25–30 prisoners who would benefit from being held in a unit dedicated to the mentally ill and vulnerable.

137 DCS, *Inspection of Casuarina Prison*, written submission (May 2013) 16.

138 OICS, *Report of an Announced Inspection of Bandyup Prison*, Report No. 71 (August 2011) iv.

*Recommendation 13*

*Government should provide additional statewide specialist mental health facilities, in both hospitals and prisons.*

- 6.29 For the few months prior to the inspection the lack of sufficient psychiatric sessions negatively affected prisoners' mental health. This correlated with the views of surveyed prisoners, 38 per cent of whom rated psychiatric care as poor, while only 23 per cent rated it as good. However, at the time of the inspection additional psychiatry time had been added, and a new psychiatrist had positively engaged staff and introduced models of collaborative working.
- 6.30 Despite shortcomings with the facility, and some gaps in the recent provision of psychiatric care, mental health patients interviewed for the inspection indicated satisfaction with mental health services. Several prisoners spoke highly of Casuarina's mental health nurses.
- 6.31 Four comorbidity nurses provided cover seven days per week, and at weekends undertook ARMS assessments as there was no Prison Counselling Service (PCS). They also undertook Prison Addictions Service Team (PAST) functions.
- 6.32 Casuarina enjoyed good working relationships between the key areas of mental health, PCS, Prison Support Officers, general health nurses and CCU officers. There was strong support and leadership from the Assistant Superintendent Special Operations who has experience and understanding of the challenges of dealing with mental disorder within prisons. Mental health staff also felt respected and valued by the Superintendent.
- 6.33 The existing multidisciplinary focus on care needs to be further developed and should build upon the strengths of PCS, medical staff and GPs working together, preferably by amalgamating these services that are currently under separate streams of management. There needs to be an overarching agreement on a model of care for mentally ill prisoners.
- 6.34 Good discharge planning for those with serious mental health disorders is essential. The first few weeks after release is a time of a high risk of death by suicide, drug and alcohol use, and other causes.<sup>139</sup> The discharge planning undertaken by the comorbidity nurses had become more formalised in the weeks prior to the inspection. A referral was made to the prisoner's local Mental Health Service (MHS) in cases where a post-release address was known.
- 6.35 Discharge planning was a problem for bailed prisoners where there was no warning of their release, or for those who had no fixed address on release. The recent introduction of a specific program of community support by RUAH Intensive for a small number of prisoners with serious mental illness has had a positive impact.

<sup>139</sup> Hobbs et al, *Mortality and Morbidity in Prisoners after Release from Prison in Western Australia 1995–2003* (Canberra: Australian Institute of Criminology, 2006).

- 6.36 Access to PSOLIS (the Department of Health’s database) by mental health staff in prisons would improve mental health care and discharge planning. The proposal for the Department’s Health Directorate to have access to PSOLIS and for the Department of Health to have access to ECHO remains an area of discussion.<sup>140</sup>
- 6.37 Only 32 per cent of surveyed staff felt that they had adequate training in dealing with prisoners with mental health issues. Although custodial staff received the brief mental health training provided, there appeared to be an opportunity for further training. Commendably, prison management have planned provision of Mental Health First Aid training by one of the comorbidity nurses.

#### Prison Counselling Service (PCS)

- 6.38 The primary role of PCS is assessment of prisoners who present a risk to themselves. They also provide support for those prisoners on SAMS (Support and Monitoring Systems) and provide a more limited amount of individual counselling to prisoners. PCS staff takes part in the daily rounds on the MPU, SPU and Unit 1.
- 6.39 The PCS manager had been relocated off-site and PCS staff felt that this had eroded communication between them and the prison management team. There was some concern among PCS staff about current clinical supervision arrangements, and the discontinuation of external supervision was felt to be a huge loss.
- 6.40 Documentation processes and information sharing between PCS and mental health services was problematic. PCS access to ECHO was removed two years ago and attempts had been made to regain access without success. Mental health staff also need access to PSOLIS. At present, the lack of access prevents the prison’s mental health staff from having knowledge of the history of community care provided to patients prior to their incarceration. Providing access to PSOLIS will enable better continuity of care for patients returning to the care of community providers.

#### *Recommendation 14*

*Develop a multidisciplinary model of care for mentally ill prisoners, building on the strong links between the Prison Counselling Service, medical staff and GPs.*

#### Substance Misuse

- 6.41 The prison offered a Methadone program. Comorbidity nurses undertake assessment for the Methadone program before referral to the GP. Access to the Methadone program was described as good, and prisoners could start within two weeks of applying. There was scope for further training of custodial staff in this area, as only 35 per cent of surveyed staff felt that they had received adequate training for dealing with prisoners with drug issues.

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140 Minutes from care planning workshop between DCS and SFMHS, 11 March 2013.

- 6.42 Aboriginal prisoners were well informed of the Methadone program, and also on the risks of intravenous (IV) drug use in the prison system. They spoke of encouragement from their families to start on Methadone to avoid exposure to Hepatitis C or HIV; of being encouraged by their peers when they came into prison; and were encouraged by Elders, both in prison and in the community. The information they received was accurate and relevant and indicated that education about IV drug use was having a positive impact, both in the community and also in prisons.
- 6.43 When a Methadone user was due for release the comorbidity nurse arranged continued prescribing in the community through the Community Program for Opioid Pharmacotherapy (C-POP), which nominates a pharmacy and GP for continued therapy in the prisoner's release area.

#### Aboriginal Health Staff

- 6.44 Despite having expressed in principle support, the Department had not sufficiently acted on this Office's previous recommendation to provide Aboriginal Health Workers. Mental health staff indicated that there were not enough Aboriginal people employed within the system.
- 6.45 However, the Aboriginal Health Community Re-entry Program, funded by the Council of Australian Governments (COAG), provided Aboriginal Liaison Officers (ALOs) to engage with prisoners nearing release. Their role is to ensure continuity of health care after release by motivating prisoners to actively participate in their health care both prior to and following release from prison. The service takes a holistic approach, and includes housing, drug and alcohol issues, as well as health and mental health appointments. The ALO engaged at Casuarina had only just commenced at the time of the inspection, and was scheduled to attend the prison one day per week.

# Chapter 7

## REHABILITATION AND REINTEGRATION

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- 7.1 This chapter examines the Department's and the prison's support for prisoner rehabilitation and reintegration. The chapter first examines the management of assessment and programs, before discussing education, training and employment.
- 7.2 The range and level of reintegration and rehabilitation services and regimes that should be provided for prisoners depends, in part, on their security rating. The cohort of prisoners requiring a minimum security regime at Casuarina was approximately 48 of 631 prisoners (7%).<sup>141</sup> This cohort requires a high level of reintegration services – equivalent to that provided at the minimum security re-entry facilities.
- 7.3 The medium security cohort at Casuarina was 405 prisoners (64%). This cohort requires a balanced provision of rehabilitative programs and reintegration opportunities for education, training, and employment. Together, the minimum and medium prisoner cohort represented 452 of 632 prisoners (approximately 71.5%). Although the prison held groups who were either partially ineligible (such as remandees) or incapable (such as the infirm), the majority of the prison population required a high level of constructive engagement in rehabilitative and reintegration activities.
- 7.4 The Department has suggested 'throughcare and Integrated Offender management are not exclusive to minimum security placements, there are many activities that can and do occur at the highest security facilities'.<sup>142</sup> The Department also recently asserted that the most significant difference between Casuarina (a maximum security prison) and Acacia (a dedicated medium security prison) is the existence of the high security fence.<sup>143</sup> The Department reported that 'medium security prisoners are in no way disadvantaged by their placement at Casuarina'.<sup>144</sup>
- 7.5 In this Office's view these assertions are not supported by the facts and have not been for some time. The 2010 inspection report provided several recommendations relating to the need to overcome the chronic prisoner under-employment, training deficits and the paucity of education planning and services at Casuarina.<sup>145</sup> The Department supported these recommendations. However it claimed that they were 'existing departmental initiatives'.<sup>146</sup>
- 7.6 This chapter demonstrates that many key areas for the support of prisoner rehabilitation and reintegration have continued to suffer from poor departmental planning and resourcing. Despite these failures it is important to note the commitment and achievements of Casuarina management and staff. This chapter therefore also provides recognition of those positive areas including, notably, the local management of Casuarina's Education and Learning Centres.

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141 Fifteen per cent of prisoners had a minimum security points level of six or below. Eight per cent of these were prisoners who had had their ratings upgraded to medium security status, while remaining on minimum security points.

142 DCS, written response to the draft report, OICS, *The flow of prisoners to minimum security, section 95, and work camps in West Australia* (November 2012) 2.

143 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013) 11.

144 Ibid.

145 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) Recommendations 7, 8.

146 Ibid, 82–83.

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SENTENCE PLANNING AND CASE MANAGEMENT

- 7.7 Sentence management processes are designed to plan for prisoners' progress through their sentences towards successful reintegration, including preparation for parole applications.<sup>147</sup> The first stage involves various assessments and the development of an Individual Management Plan (IMP) for qualifying prisoners.<sup>148</sup>
- 7.8 The Assistant Superintendent Offender Services (ASOS) was responsible for case management coordination. A team of five assessment writers reviewed the security classification of each prisoner every six months. Those classifications were delivered to the prisoners at case conferences, the outcomes of which informed prisoners' parole applications to the Prisoner Review Board.
- 7.9 Case conference reports include prisoners' IMPs and security classification reviews. These need to be up to date, as individual progression through the system, transfer between prisons and parole applications are dependent on them. Until early June 2013 the writers had been 12 weeks behind in their assessments. Staff shortages had seen writers redeployed to operational roles. The ASOS had an embargo placed on that redeployment, and the consequent return to staff capacity had reduced the backlog to four weeks at the time of the inspection.
- 7.10 Nonetheless, prisoner groups interviewed for the inspection complained of not having been told when their IMPs had been deferred. There was general consensus that delay with IMPs caused prisoners to get behind with their required treatment programs, and consequently delay parole.
- 7.11 Prisoners received a printed copy of their case conference reports, and were also given verbal summaries, highlighting such matters as change to security rating, work history, engagement with programs, details of charges or loss of privileges, time before next parole hearing or release date, and prospects for transfer to another prison.
- 7.12 The case conferences were insufficiently consultative, and did not allow for discussion.<sup>149</sup> Illiterate prisoners experienced problems comprehending the written reports prior to the meeting and stated that they did not feel empowered to discuss the contents of their report and make objections, given the shame that often accompanied illiteracy.

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147 DCS, *Adult Custodial Rule 18* describes the procedures involved in the assessment and sentence management of prisoners.

148 Remandees and prisoners serving effective sentences of less than six months do not qualify for an IMP, but are processed through the Management and Placement checklist.

149 DCS, *Adult Custodial Rule 18, 9.9 Prisoner input* details the Department's requirements for consultation with prisoners.



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**PROGRAMS**

- 7.13 The Department's risk assessment instrument fails to accurately categorise prisoner intervention needs, and therefore led to inappropriate allocation of prisoners to programs. The Programs South Unit (PSU) facilitators identified a 40–50 per cent overestimation of prisoners' risks in the original assessments.<sup>150</sup> That risk assessment provided input to prisoners' IMPs, guiding the allocation of prisoners into programs. Consequences included the creation of unnecessary program provision and increased requirements for parole applications.
- 7.14 Program facilitators reported that factors such as receptivity, stage of change, capacity to focus, and literacy level required more consideration when assigning prisoners to programs. There was a view that fast-paced cognitive behavioural programs were scheduled, despite being inappropriate for intellectually impaired or mentally ill men.
- 7.15 Program facilitators reported that inappropriately allocated prisoners were prone to withdraw from programs, and thus damage their parole prospects. Failure to keep up with program work driven by poor literacy skills sometimes manifested as violent outbursts, which would raise a prisoner's security rating and reduce parole prospects. There was also a view that support mechanisms for 'drop-outs' were not in place.
- 7.16 PSU staff reported that literacy problems are common and that prisoners' literacy was rarely assessed prior to referral to programs.<sup>151</sup> Non-literate prisoners struggle to complete the work required, and their need for assistance was sometimes disruptive in the program groups.

**Programs Provision: Good Facility and Participation, Poor Scheduling and Excessive Cancellations**

- 7.17 Programs were conducted by staff of the Programs South Unit, and by officers delivering cognitive skills and Violent Offender Treatment programs (VOTP). Courses were run in the programs rooms in Unit 13, for residential and non-residential participants. This new residential program accommodation was reported to be running well, and the enhanced regime facilities acted as an incentive for positive prisoner engagement. Commendably, the programs officers had improved the infrastructure and ambience of the programs rooms, by painting the walls. There was a need to increase their budget for resources.
- 7.18 The numbers of participants in programs was reported to have been increasing at the time of the last inspection with 251 prisoners having enrolled in programs in 2009, compared to 164 in 2008.<sup>152</sup> The increase in course provision appeared to have continued, with 256 prisoners enrolled in 2012 and 164 prisoners enrolled in the first six months of 2013. However, the rates of course cancellation were high; for example, in 2011–12, 29 courses were run while 18 were cancelled (38%).<sup>153</sup>

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150 Following a review in 2012, the Department has been researching improved assessment tools.

151 See also [6.11]–[6.12].

152 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) 39.

153 Figures from the fourth quarter of 2011 to the third quarter of 2012 (the most recent annual period providing sufficient data).

- 7.19 The provision of lists of prisoners pre-allocated to groups was frequently too late. Compounding that, the statewide programs schedule failed to provide the optimal sequence and timing of treatment for individuals.<sup>154</sup> For example, a prisoner may be streamed to an intensive program before an introductory intervention, or may be scheduled for pre-release programs two years into a 10-year sentence.

#### Competent Program Delivery by Custodial Officers

- 7.20 Three custodial officers were delivering programs at the time of the inspection. The cognitive skills program facilitator officer had strong experience in delivering the Violent Offender Treatment Program and Think First. He had received some support to complete a diploma in counselling.

#### INDUSTRIES: UNDER-EMPLOYMENT AND UNEMPLOYMENT

- 7.21 In order to address the problem of unemployment and under-employment the 2010 inspection report recommended the Department should:
- 1) ensure all eligible prisoners at Casuarina are offered full-time, meaningful employment and/or skill development activity; and
  - 2) review and realign employment and skill development activity at Casuarina to ensure an optimal balance between safety, improving the employment prospects of prisoners, offsetting the costs of imprisonment and benefiting the community.<sup>155</sup>
- 7.22 In response, the Department stated that it was ‘committed to providing constructive and meaningful activity to all eligible prisoners’.<sup>156</sup> However, as described below, unemployment and under-employment (which includes a lack of meaningful work as well as an overall low rate of employment) has worsened since 2010.<sup>157</sup>
- 7.23 The 2013 prisoner surveys reveal that only 45 per cent of respondents cited work as their main daytime activity compared with 57 per cent in 2010; a higher percentage of respondents reported not working (29%) than in 2010 (11%).<sup>158</sup> These perceptions correlated to the Department’s employment data. At the time of writing approximately 47 per cent of Casuarina’s prisoners were found to be unemployed or underemployed. Out of a prison population of 620 men, 142 were not working (approximately 25%). However, a further 127 men were only engaged in unit work, which generally does not constitute meaningful work, and another 27 in part-time education.<sup>159</sup>

154 Early in 2013 PSU facilitators were given the opportunity to examine the lists and make such adjustments. That permission ran for five months before being terminated.

155 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) Recommendation 7.

156 Ibid, 82.

157 Many of those listed as employed are only working as unit cleaners, and in cleaning positions around the prison.

158 The staff surveys reveal that only 37 per cent of staff surveyed indicated that meaningful employment for prisoners was taking place.

159 TOMS, 20 August 2013. DCS data for 20 August 2013 (figures adjusted to include 14 men accommodated in the infirmary who were incapable of work).

7.24 In the lead up to the inspection a senior manager reported that the prison's 'everybody works' philosophy had not been implemented. Reportedly, the causes included a failure to match increased population with an increase in facilities and infrastructure; custodial staffing shortages resulting in industries shut down; and there has been an inability to retain and recruit VSOs.<sup>160</sup> Those issues remained relevant at the time of the inspection. They may be included in those being considered, at the time of writing, by the Department's prisons industries review.<sup>161</sup>

#### Industries: Insufficient Capacity and Under-utilisation

- 7.25 The prison has 18 workshops and work areas. Of these, several provide core goods and services for Casuarina such as cleaning, the kitchen, the bakery, and the vegetable preparation workshop, laundry, grounds, maintenance and gardens.
- 7.26 The prison has recognised the need to expand the industries facilities. The industries and work area capacity was only 282–320, while the average population for 2012–13 was 631. As noted below the prison has submitted several business plans for extensions since the last inspection.
- 7.27 The frequent closure of industries has been another reason for low employment rates. In the 10 weeks leading up to the inspection there was an average of three closures per week.<sup>162</sup> Correspondingly, while workshops had a total of 120 places there were days when there were as few as 60 prisoners working and training.<sup>163</sup>
- 7.28 The closure and disruption of industries work was found to have been caused by a combination of factors. In the 10 weeks prior to the inspection there were 480 occasions on which a staff member was absent from a designated workshop, and was not replaced for that work. Of these, 145 involved redeployment to custodial duties, representing 23 per cent of the lost industries working time.
- 7.29 Some VSOs were unable to give sufficient focus to training prisoners because of the need to conduct the multiple duties (including administration and production) involved in running an industries workshop. The focus on prisoner training worked best in workshops where there were two VSO staff to share the duties. This allowed at least one VSO to focus on training.

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160 OICS, liaison visit notes, 11 March 2013.

161 OICS requested, but did not receive, minutes from the Casuarina industries review meeting held in early August 2013.

162 DCS Casuarina, Industries Officer Attendance Register, 20 May to 19 July 2013. Data averages based on 43 of 50 working days.

163 In this period, several workshop areas were closed for substantial periods; construction was closed for 41 of 50 working days (82%), concrete for 27 (54%), bootshop for 13 (26%), garments for 11 (22%), gardens, metalshop and vocational skills for nine (18%), grounds and cabinet for seven (14%), the paintshop and the printshop for six (12%), and textiles for five days (10%).

### Innovative Plans for Industries Development

7.30 The prison had submitted a number of industries expansion plans. These plans included a recycling centre, expanded cabinet and metal shops, hydroponic shade houses for vegetables, expanded bakery, and two new vocational skills workshops.<sup>164</sup> The Department has recognised that the existing workshops need to be doubled in order to provide adequate infrastructure for the prisoner population.<sup>165</sup> Although head office had not funded the prison's proposals to date, the plans should be supported as they would provide increased training and employment placements.



*Figure 11: The industries' area is not big enough for the prisoner population*

7.31 The prison planned to extend market gardens alongside the new units, including garden sheds facilities and lunch rooms for prisoners and staff.<sup>166</sup> Casuarina also planned to rear chickens. Aboriginal prisoners were to construct the coop, rear the chickens and gather eggs. The prison planned for the chicken rearing to be combined with cooking classes at the Learning Centre.

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164 DCS, Inspection Documentation 1.4, Casuarina Refurbishment – Revitalisation Program.

165 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013) 15.

166 Works scheduled to commence in December 2013.

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### Inappropriate Plans for Overcoming Industries Disruption

- 7.32 At the time of the inspection prison management had begun to consider the creation of ‘employment wings’ which would house employed prisoners and be immune to lockdowns and other restrictions caused by staff shortages. These wings would ensure a constant supply of industries’ labour, and thereby enhance prisoner employment and training. However, this Office is concerned that the creation of ‘unemployment wings’ could lead to discrimination against unemployed prisoners (by, for example, causing them to suffer the restriction of frequent lockdowns). This office therefore prefers that the prison should use increased VSO and custodial staff as a method of rectifying under-employment and unemployment in industries.

#### *Recommendation 15*

*In order to address the ongoing problems of unemployment and under-employment the Department should:*

- a) ensure all eligible prisoners at Casuarina are offered meaningful employment and/or education and skill development activity; and*
- b) fund the prison’s plans for increased industries, and increase the VSO staffing to ensure sufficient prisoner skill-development and training.*

### Gratuities

- 7.33 The Department’s Policy Directive 25 (PD 25) requires that the distribution of gratuities within a prison should emulate a set profile known as the Prisoner Constructive Activity Profile. However, the actual distribution of gratuity levels within a prison are flexible, and dependent on the nature of activities available within each prison.<sup>167</sup>
- 7.34 There were complaints that the gratuity levels did not provide sufficient funds for prisoners to adequately cover basic costs such as telephone calls, thus restricting prisoners’ ability to stay in touch with family and friends.<sup>168</sup> Moreover, the prison needs to rectify its under-employment problem by encouraging more prisoners into work. The prison should therefore review its gratuity distribution to ensure maximum encouragement for constructive activity and to provide funds sufficient for prison living costs.<sup>169</sup>

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167 DCS, *Policy Directive 25 – Prisoner Constructive Activity* (April 2007) 4.

168 Infirmity prisoners, in particular, complained that they were stuck on low level gratuities because as patients they are not allowed to work.

169 See also [9.37] and [9.39].

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**EDUCATION: APPROPRIATE BUT INSUFFICIENT SERVICES**

7.35 Education and training at Casuarina Prison was provided through the Education Centre – administered and funded by the Department’s Education and Vocational Training Unit – and the Learning Centre which is managed and funded by the prison.<sup>170</sup> The Education Centre also managed traineeships conducted in the industries workshops. Education Centre classes tended to be accredited within the Australian Qualifications Framework (AQF). Learning Centre programs were not accredited programs but prisoners received certificates of participation.

7.36 The Education Centre ran with a maximum capacity of 60 prisoners, and approximately half were Aboriginal prisoners. During 2012, prisoners enrolled in 4,273 units. Of students finishing units, 1,779 prisoners (50.4%) had successfully completed units or classes and 1,751 had failed and not achieved competencies (49.6%).



*Figure 12: A pleasant open space between the classrooms*

7.37 The Learning Centre delivered a dedicated program for displaced Aboriginal prisoners (the DAP program) and the Lifeskills program was available to all prisoners. For both the Learning Centre and the Education Centre, the number of enrolments exceeds the number of prisoners participating in classes (or external study). Absenteeism from classes and attrition from courses was prevalent. However, the centres were developing strategies to encourage better student engagement, including part-time and staggered participation, and less time spent alone with written texts.

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<sup>170</sup> Some funding for programs run at the Learning Centre was provided by outside agencies.

7.38 Approximately 34 traineeships were available at the time of the inspection. The traineeship numbers had improved over the past 18 months. However, industry closures and the lack of sufficient workshops restricted capacity and performance.

*Lack of Progress Since the Last Inspection*

7.39 Under-supported education and training services limited constructive engagement in meaningful activity, and reduces the potential for rehabilitation. The Education Centre and Learning Centre were capped to 90 places. Custodial staffing limitations frequently caused closures.

7.40 The Learning Centre had capacity for a maximum of 30 prisoners including at least 20 displaced Aboriginal prisoners. Up until the time of the inspection the maximum capacity had been cut from 30 to 20 prisoners. The two additional Learning Centre classrooms which could have been used to increase the capacity did not operate because there was insufficient custodial staff to supervise prisoners.



*Figure 13: The unused classrooms*

7.41 Inadequate education staffing also restricted education and training.<sup>171</sup> Education management staff at Casuarina also advised that some TAFE staff were not suited to prison teaching. Sometimes traineeships were not progressed due to a lack of facilitators or assessors.<sup>172</sup>

171 The Education Centre substantive staff members include the Education Centre Manager, five Prison Education Coordinators, one Project Officer and one Aboriginal Education Officer.

172 Some workshop managers have not had qualifications as trainers.

7.42 The Education Manager, the Aboriginal Education Worker and the administration staff at the Education Centre were providing sufficient management support for the limited class delivery. In order to expand the enrolments, these and additional staff would need to be funded for more hours. Similarly, the Coordinator of Aboriginal Prisoner Services would need more funded hours to manage more courses at the Learning Centre. High prisoner numbers at Casuarina require increased education and vocational training resources, in particular, trained staff.

7.43 In 2010 this Office recommended that the Department should:

Implement a human resource management and infrastructure plan that will ensure that all eligible prisoners are offered education and training that is relevant, is evenly weighted across a range of employment skills, and can substantively benefit prisoners in terms of skill development and employability upon release.<sup>173</sup>

7.44 This recommendation was partially fulfilled for some prisoners. Relevant education and training for employability was evident, but the range of courses could be further developed. The Education Centre aligns course offerings to skill needs in the community. However, the restriction on the numbers of students, traineeships and industry workshop hours, and work opportunities means that many eligible prisoners missed out on skill development and meaningful activity.

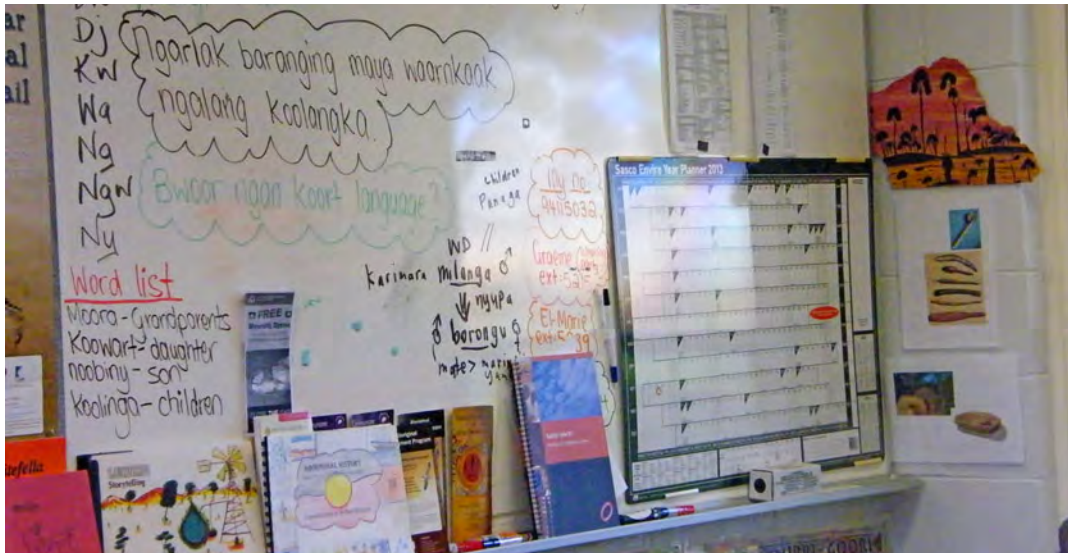
#### Appropriate Classes and Courses

7.45 Staff experienced in the training of Aboriginal prisoners at both the Education Centre and the Learning Centre streamlined their programs and class delivery appropriately. Aboriginal language-based classes were held at both the Education Centre (mainly for Noongar prisoners) and the Learning Centre (for displaced Aboriginal prisoners). Other English as a second language (ESL) classes are not offered although there are some non-English speaking prisoners from overseas.



173 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) Recommendation 8.





Figures 14 (previous page), 15 and 16: Some culturally appropriate courses in the Education Centre

- 7.46 Education courses ranged from Certificate I onsite to Bachelor and Master degrees by correspondence. Other purposeful courses that encompass basic literacy and numeracy skills and OSH and construction tickets were also provided. Prisoners were particularly keen for short employment-relevant courses such as scaffolding and working at heights.
- 7.47 Opportunities should be provided for prisoners to improve their literacy and numeracy skills whilst working in industries (such as the metal shop) or other areas (such as in the kitchen) or studying either Australian Qualifications Framework (AQF) courses or short courses with competencies that may be prerequisites to AQF courses. The planned hands-on learning workshop will be a good development in this regard.

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- 7.48 The Education Centre should also use the Education and Vocational Training checklist and screening tool to identify ESL prisoners (prisoners with English as their second language) with a view to providing appropriate ESL support. Prisoners with the same language should be co-located to enable mutual support, and ESL classes provided where numbers are sufficient.
- 7.49 The Education Centre Manager aligned course offerings to skill needs in the community. For example, the prison provided vocational studies in health and fitness, including Certificate I in Sport, Recreation and Fitness. The proposed course in community sport leadership, which targets Aboriginal prisoner enrolments, will be a good further development. However, Casuarina had only enrolled four prisoners over the past three years to complete further studies in Sport, Recreation and Fitness through the Central Institute of Technology. There was room for improvement in this area.
- 7.50 Difficulties with maintaining the currency of the Pathlore education and training database has resulted in blocked pathways for some prisoners and unnecessary repetition of some classes. The Department should ensure that class completions are entered into the Pathlore education and training database in a timely and accurate manner.
- 7.51 There was some evidence of constructive provision of continuity for post-release studies. AQF courses could be completed in the community as Pathlore education and training data is passed to the Western Australian Department of Workforce Training and Development which manages the VET qualifications database. Prisoners studying tertiary qualifications were able to continue with their studies through the universities after release.
- 7.52 The evaluation and treatment of detained juveniles with Attention Deficit Hyperactivity Disorder (ADHD) or Attention Deficit Disorder (ADD) is commonplace.<sup>174</sup> These conditions were relevant for some prisoners at Casuarina. However, it was unclear whether disorders identified in this way are accommodated through teaching techniques.<sup>175</sup> Casuarina teaching staff should make use of appropriate behaviour therapies and psychosocial interventions.<sup>176</sup>

#### Insufficient Computer Access

- 7.53 Access to education facilities after hours should be provided to allow some access to computing for prisoners. Digital literacy is a core employability skill. Trainees should be encouraged to use evening classes or other activities that use information technology.
- 7.54 Prisoners enrolled externally were not permitted to have computers in their cells. They needed to use spare computers at the Education Centre to type up and print out assignments. These prisoners and those who would like to enrol in tertiary study were severely disadvantaged by not having personal computer and internet access.

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174 Connor D, Ford J, Chapman J & Banga A, 'Adolescent Attention Deficit Hyperactivity Disorder in the Secure Treatment Setting' (2012) 39(6) *Criminal Justice and Behavior* 725–747.

175 Bender W, *Differentiating Instruction for Students with Learning Disabilities: New best practices for general and special educators* (California: Corwin, 3<sup>rd</sup> ed, 2012).

176 Stevens A, 'I Am The Person Now I Was Always Meant To Be: Identity reconstruction and narrative reframing in therapeutic community prisons' (2012) 12(5) *Criminology and Criminal Justice* 527–547. Media attention focuses on *pharmacological* interventions for ADHD and ADD which may be unhelpful in the prison environment.

#### PREPARATION FOR RELEASE

- 7.55 Casuarina had only one Transitional Manager (TM) to service 631 prisoners. This was disproportionate when compared to some smaller prisons, and to the high number of prisoners released from this prison.<sup>177</sup> The TM enjoyed good support from prison management and sentence planning. The TM was also supported by three prisoner clerks, and worked closely with peer support. Several prisoners said that the TM was helpful, particularly for documentation.
- 7.56 Transitional management services lacked sufficient space and support to bring programs in to the prison. For example, it was disappointing that Good Beginnings had not been funded, and that the Sycamore Tree program had not been approved.
- 7.57 Most of the prisoners preparing for release while at Casuarina are transferred to other prisons prior to release. The prison only had partial success in supporting the return of out-of-country prisoners because the TM was not told when people were transferring out in sufficient time to assist with planning.
- 7.58 The TM was working with prisoners with more than six months of their sentence to serve, including reintegration leave prisoners. Although re-entry support was only provided for the first four weeks of remand, the TM was trying to address this gap.
- 7.59 The TM was developing new initiatives including discharge packs, renewed stakeholders meetings, and an expo focussing on employment and service providers.
- 7.60 The lack of sufficient post-release accommodation was a major obstacle to supporting prisoners' re-entry. A particular problem was the lack of accommodation for mental health clients on release. Outcare was doing a good job finding appropriate accommodation, but referral was voluntary. Vulnerable people need to be referred and assertively followed up.

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177 Data derived from TOMS. In the year preceding the inspection Casuarina released 302 prisoners, with parole and supervised orders accounting for 22 per cent of releases, while 78 per cent were released at the end of sentence. Thirty-two of these were prisoners transferred to regional prisons for release. In the same period Casuarina also released 106 remandees on bail. These figures approximate the figures for one quarter reported for the 2010 inspection. See OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (November 2010) 59.

# Chapter 8

## SUBSTANTIVE EQUALITY ISSUES FOR MINORITY GROUPS

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- 8.1 This chapter examines the management of substantive equality for several of the minority prisoner groups at Casuarina. As such, it explores the particular needs and risks associated with remand prisoners, aged and infirm prisoners, prisoners requiring protection, and homosexual prisoners. The holding of these diverse groups at Casuarina reflects the prison's multiple responsibilities within its broader role as a 'pure maximum' prison. The chapter provides an opportunity to reflect on the degree to which the enactment of these responsibilities has been adequately supported and resourced, and on the appropriateness of the holding of these groups at Casuarina.

### POLICY FRAMEWORK

- 8.2 Western Australia's substantive equality service provision is guided by the 2010 *Policy Framework for Substantive Equality*.<sup>178</sup> Failure to adhere to the framework could invite potential discrimination challenges under the *Equal Opportunity Act 1984* (WA). The recognition of the needs of diverse groups and individuals within an overall aim of achieving equality is acknowledged both in broader policy frameworks and particular departmental policies.<sup>179</sup>
- 8.3 The Department defines substantive equality as being 'about treating people differently in order to cater for their needs to achieve equal outcomes'.<sup>180</sup> As such it takes into account 'the effects of past discrimination and the differences in needs between groups and individuals to minimise unfair outcomes'.<sup>181</sup> It recognises that 'rights, entitlements, opportunities and access are not equally distributed throughout society' and that 'equal or the same application of rules to unequal groups can have unequal results'.<sup>182</sup> These guidelines are designed to provide service users with 'equitable outcomes regardless of their ethnic or cultural background, gender or personal conditions'.<sup>183</sup>

### REMANDEES

- 8.4 There has been an increase in remandees from 51 (7.4% of the population) in 2010 to 82 (representing 14% of the population) at the time of this inspection, with numbers rising above 100 frequently throughout 2012–13. Most of one unit had been dedicated to their accommodation. Although this hampered the prison's management of and support for its mainstream population, it represented good practice in terms of supporting remand prisoners.
- 8.5 Surveyed remandees reported a mean quality of life rating of three (out of a maximum score of 10), lower than the general prisoners' average of 5.1, and state average over the past three years of 5.2.<sup>184</sup> Departmental policy requires that remandees have access to daily visits. With its staffing shortages, Casuarina had sometimes been unable to facilitate daily visits.

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

179 The Department's *Substantive Equality Policy* (2008) is based on the Equal Opportunity Commission's policy framework; 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). Other states and territories have policy frameworks that focus on equitable management of diversity: see, eg, Queensland Corrective Services, *Healthy Prisons Handbook* (2007); New South Wales Corrective Services, *Equity and Diversity Plan 2011–2014*.

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

181 Ibid.

182 Ibid.

183 Ibid.

184 Prisoners were asked to rate their quality of life, with a possible range of 1 to 10.

## SUBSTANTIVE EQUALITY ISSUES FOR MINORITY GROUPS

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- 8.6 Access to court, including via video link, is also particularly important for remandees. Similarly, remandees require access to the legal resources and services held in the library. Unfortunately, Casuarina had limited court video link capabilities and had lacked a library officer until immediately before the inspection.<sup>185</sup>
- 8.7 Some of the remandees at Casuarina were out of country, including men from the Kimberley who would be better placed at West Kimberley Regional Prison (WKRPP) or Broome Regional Prison.<sup>186</sup> Out-of-country remandees suffer from a lack of visits from community. Out-of-country remandees told the inspection team they would prefer to be kept in country even if the prison conditions were worse than those at Casuarina. They also expressed a preference for any regional prison close to home over incarceration at a metropolitan prison. Holding such remandees out of country also represents unnecessary transport costs for the Department.
- 8.8 The prison has submitted a business case to enhance video-link provision and capacity.<sup>187</sup> In addition, a review of the provision of remandees' services across the whole system was reported to be underway following this Office's most recent report on Hakea Prison.<sup>188</sup>

### AGED PRISONERS

- 8.9 The percentage of the Western Australian prison population aged 60 years and over increased from 1.63 per cent in 1994 to 3.42 per cent in 2011.<sup>189</sup> Correspondingly, the Department reports that Casuarina 'has started to see a rise in the number of prisoners with aged care needs'.<sup>190</sup> During the inspection prisoners aged 55 to 64 comprised six per cent, and prisoners aged 65 and older comprised two per cent.<sup>191</sup> These proportions would be likely to rise if the prison's capacity for dedicated care increased.
- 8.10 A number of concerns were raised with the inspection team relating to the potential vulnerability of this group. Issues raised included the accessibility of after-hours health care, the ability of elderly prisoners to cover the distances between various buildings across the prison, and vulnerability to excessive heat in units.
- 8.11 Of particular concern was the potential vulnerability of older prisoners to younger, more aggressive prisoners. Although prison officers provide support against bullying and stand over in the units, there were cases where older prisoners had ongoing concerns about their placement in units with younger, aggressive prisoners. This was an area where the prison's inability to provide sufficient separation of accommodation was a factor.
- 8.12 The inspection team encountered examples of prisoner non-compliance based on age-related and health issues such as slow movement, arthritis, and hearing problems. These conditions produced non-compliant behaviours such as late responses or non-response to officers' orders. These forms of health limitations on prisoner compliance point to the need for further officer training, for example, in managing prisoners with hearing difficulties.

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185 OICS, liaison visit notes, 20 March 2013.

186 Ibid.

187 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013).

188 Ibid; OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 81 (January 2013).

189 DCS, Health Services Directorate, written submission regarding a Casuarina assisted care facility, July 2011.

190 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013).

191 DCS TOMS, 7 July 2013. Snapshot data providing approximate proportions. Please note, the relevant category includes some prisoners in the 55–60 years category as poor health lifestyles for many prisoners result in a high prevalence of conditions associated with ageing.

- 8.13 These issues place further pressure on the prison's need to have flexibility in terms of prisoner placements. The infirmary's Sex Offender Program wing has been used, in part, to provide accommodation for aging and infirm prisoners who do not qualify for infirmary care or hospitalisation. As this wing has been full to overcapacity, the prison has considered further options for assisted care, including using the lower wing of Unit 14 as an additional space for aged and infirm prisoners. This wing has ramps and is more suitable for wheelchairs than other prison accommodation. In the meantime, the prison was reportedly focussing on means to make the prison safe for older prisoners.

*Recommendation 16*

*Conduct an assessment of current and future demand for specialist assisted care facilities across the prison system and invest as necessary in Casuarina and other prisons.*

**DISABLED PRISONERS**

- 8.14 The Department's Disability Access and Inclusion Plan is guided by the *Disability Services Act 1993* (WA), and sets out the relevant standards for the public provision of services for people with physical, intellectual, sensory or cognitive disabilities.<sup>192</sup> In a recent issues paper the Australian Human Rights Commission discussed the human rights of disabled prisoners in Australian prisons and noted that 'support, adjustments, and aids may not be provided to prisoners with disability so that they can meet basic human needs and participate in prison life'.<sup>193</sup>
- 8.15 These issues were relevant for Casuarina, which had 'started to see a rise in the number of prisoners' with disabilities.<sup>194</sup> Although the Department has a 'disability access and inclusion plan', Casuarina did not have a strategic plan for the management of disabled prisoners. At the time of the inspection the prison was engaging with issues relevant for disabled prisoners in a reactive manner.
- 8.16 The Department requires that people with disabilities have the same opportunities to access its buildings and facilities.<sup>195</sup> Casuarina's older units were designed with stairs leading to the wings. Therefore, most of the older units were ill-suited to prisoners with limited mobility. Units 13 and 14 had ramp access to the lower wings, but aspects of the design still present challenges to prisoners in wheelchairs or with crutches. The prison sought to place wheelchair-bound prisoners in one of the new units that had ramps. Where this was not possible or sufficient, prison industries were engaged in building ramps to provide wheelchair access.

192 DCS, *Disability Access and Inclusion Plan 2007–2010*.

193 Australian Human Rights Commission, *Access to justice in the criminal justice system for people with disability*, Issues Paper (April 2013) 11.

194 DCS, *2013 Inspection of Casuarina Prison*, written submission (May 2013).

195 DCS, *Disability Access and Inclusion Plan 2007–2010*, outcome two.

## SUBSTANTIVE EQUALITY ISSUES FOR MINORITY GROUPS

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- 8.17 Untreated hearing impairment represents a neglect of prisoners' rights to adequate health services, and has negative consequences for access to and participation in education, employment, and social relations.<sup>196</sup> A recent study of hearing impairment among Aboriginal prisoners noted that this disability is 'a significant disadvantage within a custodial environment', as 'any reduction in an inmate's ability to communicate can impact negatively on the relationships with staff and other inmates'.<sup>197</sup>
- 8.18 Prison staff were not trained in the management of hearing impaired prisoners, and it appeared that some seemingly non-compliant behaviour may have been caused by hearing impaired prisoners not understanding oral directions. It was not clear that hearing impairment screening was being adequately conducted at Casuarina. This may be particularly important as hearing impairment is widespread amongst Aboriginal prisoners.<sup>198</sup> The Department's health directorate should consider following the best practice example set by Roebourne Prison, where the Pilbara Health Network provided audiology screening.<sup>199</sup>
- 8.19 Representatives from the Disability Services Commission reported there were a lack of sufficient interpreting services at Casuarina and that they had encountered resistance from officers to obtaining a professional interpreter when required. There was also a need for Auslan and Relay interpreters, for hearing impaired prisoners.
- 8.20 The Academy has plans to include two hours of disability awareness training in the course for new prison officers. While this is positive, the training should also be provided to existing staff as soon as possible.

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196 Commonwealth of Australia, Senate Community Affairs Committee, *Inquiry into Hearing Health in Australia* (2009).

197 Darwin Correctional Centre, *Investigation into Hearing Impairment of Indigenous Prisoners in the Darwin Correctional Centre* (April 2011).

198 Murray N & La Page E, 'Hearing Health of New South Wales Prison Inmates' (2004) 28 *Australian New Zealand Journal of Public Health* 537–541; World Health Organisation, *Chronic Suppurative Otitis Media, Burden of Illness and Management Options* (2004).

199 OICS, Roebourne 2013 pre-inspection service providers meeting notes, 30 July 2013.

**PROTECTION PRISONERS AND SEXUAL ORIENTATION ISSUES**

- 8.21 Casuarina's protection prisoners were housed in Unit 6, and in the Special Protection Unit (when requiring enhanced protection). The protection units are appropriately located away from the mainstream units. There was also discussion of using one of the new units as a statewide protection unit. This would have enabled the movement of protection prisoners separately from mainstream prisoners.
- 8.22 The restrictions caused by inadequate staffing had restricted protection prisoners' access to active and passive recreation, including access to the library.<sup>200</sup> However, protection prisoners had consistent access to education and meaningful work, primarily in the kitchen. Unit 6 had also developed a market garden. Three prisoners attend to the garden and were working toward certifications in horticulture.
- 8.23 During the inspection, protection prisoners reported that some of the officers who were not regulars in the unit made derogatory remarks regarding prisoners' assumed sexual offences and tended to be less helpful with requests from Unit 6 prisoners.
- 8.24 Specific allegations of bullying of homosexual prisoners by several staff members in 2012 were being investigated at the time of the inspection. These are matters for other agencies to investigate but any such discrimination is both unprofessional and illegal.

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200 This had improved at the time of the inspection as a new library officer had commenced.



# Chapter 9

## SUBSTANTIVE EQUALITY ISSUES FOR ABORIGINAL PRISONERS

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9.1 This Office's Inspection Standards for Aboriginal Prisoners state that:

[D]ispossession, white settlement and the cumulative acts of colonial and state governments have left a distinct and enduring legacy of economic, social, cultural and political disadvantage for almost all Aboriginal people. The lack of social supports and economic opportunities, particularly in rural and remote areas where many Aboriginal people live, further add to this disadvantage ...

[E]ven though Aboriginal people comprise only 3.2% of the Western Australian population, Aboriginal prisoners disproportionately account for around 40% or more of the prison population at any given time. The magnitude of the over-representation is a matter of major concern.<sup>201</sup> This has stubbornly remained as an indication of the continuing high levels of disadvantage experienced by Aboriginal people and of a residual level of structural bias in the criminal justice system.<sup>202</sup>

9.2 This chapter examines the Department's management of substantive equality for Aboriginal prisoners at Casuarina, in the context of the ongoing disadvantages and over-incarceration of Aboriginal people in Western Australia. It explores the particular needs of metropolitan and south-west Noongar people, and Aboriginal prisoners from regional and remote communities.<sup>203</sup> The chapter provides an opportunity to reflect on the degree to which the enactment of these responsibilities has been adequately supported and resourced at Casuarina, and on the appropriateness of holding certain Aboriginal prisoner groups at Casuarina.

### POLICY FRAMEWORK

9.3 Departmental policy guiding the equitable management of Aboriginal offenders currently includes the Department's *Substantive Equality Policy* (2008), the *Aboriginal Impact Statement and Guidelines* (2009), the developing Aboriginal Justice Program, and the Prisons Aboriginal Service Committee (PASC) Guide (2011).<sup>204</sup> Under the *Substantive Equality Policy Framework* the Department is obliged to test all new policies and policy revisions against substantive equality principles, and embed the principles within all learning delivered by the Academy.<sup>205</sup>

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201 The Australian Bureau of Statistics (ABS) reported that Aboriginal and Torres Strait Islanders comprised three per cent of the national population, and 27 per cent of the national prison population (on 30 June 2012). In West Australia, Aboriginal and Torres Strait Islanders comprised 3.7 per cent of the state population (on 30 June 2012) and 39.2 per cent of the population (on 27 July 2012).

202 OICS, *Inspection Standards for Aboriginal Prisoners* (July 2008) 1.

203 DCS, *Overcoming Aboriginal Disadvantage: A Guide for Aboriginal Service Committees in WA Prisons* (May 2011).

204 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 had also drafted two provisional policy documents in 2011: the *Draft Reconciliation Action Plan* (2011); and the *Operational Philosophy for the Management of Aboriginal People in Contact with Corrective Services* (October 2011).

205 DCS A/Commissioner Heather Harker, broadcast email, 20 June 2013.

## SUBSTANTIVE EQUALITY ISSUES FOR ABORIGINAL PRISONERS

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- 9.4 External guidance exists in this Office's *Inspection Standards for Aboriginal Prisoners*.<sup>206</sup> These provide guidance for the culturally appropriate treatment of Aboriginal people, including recognition of the consequences of colonialism, ongoing disadvantages, and the need to address prison over-representation and high recidivism.

### ABORIGINAL PRISONERS

- 9.5 The proportion of Aboriginal prisoners at Casuarina has remained stable at approximately 48 per cent.<sup>207</sup> This is similar to the 50 per cent held at the time of the last inspection in April 2010.<sup>208</sup>
- 9.6 In late 2012 approximately half of the Aboriginal prisoners were displaced Aboriginal men, with a high proportion of these being men from the north, Kimberley, Geraldton, Ngaanyatjarra Lands and Goldfields areas. This was approximately 10 per cent less than at the time of the last inspection.<sup>209</sup>

### CULTURAL LAYOUT AND INFRASTRUCTURE

- 9.7 Openness to the sky and horizons are important elements of good design for prisons holding Aboriginal prisoners.<sup>210</sup> Casuarina Prison was designed in the 1980s, with an open campus aspect, although security was the primary concern. Facilities were designed to facilitate rehabilitation and reintegration services including education and industries.<sup>211</sup>



Figure 17: The grounds retain something of their original open aspect

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

207 Figures derived from TOMS, 2012–13.

208 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010) ix.

209 At the time of the last inspection almost 60 per cent of Casuarina's Aboriginal prisoners were displaced Aboriginal men. Ibid.

210 See Memmott P, *Cultural issues in the architectural design of indigenous custodial facilities*, paper delivered to the Best Practice Interventions for Indigenous People Conference, Adelaide (1999).

211 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 11 (October 2001) 15.

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- 9.8 Casuarina maintains some of its designed open campus aspect, despite the enclosure of unit-based recreation areas with security fencing.<sup>212</sup> Although the open campus aspect is culturally appropriate, Aboriginal cultural sensibility was not a high design priority, unlike the design of the new West Kimberley and Eastern Goldfields Regional Prisons.<sup>213</sup> The recently built new units were also not designed with reference to Aboriginal culture.
- 9.9 Casuarina's meeting place provides an atmosphere of peace, space and shelter. It has been designated variously for use exclusively by Aboriginal prisoners from remote and regional Western Australia, or (at other times) for all Aboriginal prisoners, including Noongars from the metropolitan and south-west areas. At the time of the inspection the prison was examining possible restrictions on the use of the meeting place, for security reasons. For Aboriginal prisoner groups, access to a meeting place enables the maintenance of social relations in a culturally appropriate context. Practices such as yarning together in a natural environment are not limited to Aboriginal people from remote and regional locations. While the security risks surrounding use of the meeting place at Casuarina required management, this Office notes that all Aboriginal prisoner groups require access to an appropriate meeting place.
- 9.10 For several years prior to January 2012, one wing of Unit 1 at Casuarina had been reserved for displaced Aboriginal prisoners (that is, Aboriginal prisoners who were not from the metropolitan or south-west regions). During that time, 'culturally appropriate modifications' had been made to the exercise area of the displaced Aboriginal prisoner wings of Unit 1. Aboriginal-motif murals had been applied to the brickwork, fire pits and barbecues had been installed and cage roofing had been removed. Aboriginal artwork and music had been encouraged. Early in 2012, Casuarina Management responded to increasing pressure of prisoner population by re-purposing these unit wings as additional multi-purpose accommodation.<sup>214</sup>
- 9.11 The prison's Learning Centre for Aboriginal prisoners, and particularly remote and regional Aboriginal prisoners, is located adjacent to Unit 1. This building is a well-designed teaching and activity space with broad verandas and a natural rammed earth construction. Unfortunately, the view to surrounding bushland from the verandas has been obscured by the placement of two education dongas.

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212 Ibid, 22.

213 Both deemed 'Aboriginal Prisons' (having above 75% Aboriginal occupancy).

214 See [2.16]–[2.17] and [4.16]–[4.17].

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**PRISONS ABORIGINAL SERVICE COMMITTEE**

- 9.12 There has been inadequate head office support for the Prisons Aboriginal Service Committee (PASC) process including oversight of the implementation of its guidelines, and monitoring and evaluation of PASC reports and Key Performance Indicators. The head office PASC coordinator resigned from the Department in late 2012, due to a lack of departmental support.<sup>215</sup> Following his resignation the Department failed to provide a replacement and the PASC process has been without leadership to date. The Department's review of the PASC process and redevelopment of its aims and methodologies has been left incomplete.<sup>216</sup>
- 9.13 Prison management reported that the PASC process had started well in 2007. However, the PASC became an increasingly internal process because of a lack of stakeholder engagement. The lack of community participation hampered the prison's ability to bring in services and develop throughcare initiatives for Aboriginal prisoners.
- 9.14 Despite these difficulties, Casuarina's internal PASC process has enjoyed continuing strong commitment from the Coordinator of Aboriginal Prisoner Services, the Deputy Superintendent and Assistant Superintendent Operations, the Education Coordinator and the PSOs. Good areas of cooperation included NAIDOC celebration events, re-entry support for prisoners returning to regional areas, and plans for a hands-on learning workshop at the Learning Centre.<sup>217</sup>

*Recommendation 17*

*Reinvigorate the PASC process with well-resourced management and support at the head office and prison levels.*

**SECURITY ASSESSMENT OF ABORIGINAL PRISONERS**

- 9.15 The security classification instrument applied at the time of the inspection did not promote the progression of Aboriginal prisoners through the system.<sup>218</sup> In this Office's recent review, a lower proportion of Aboriginal prisoners were found to have progressed to minimum security than had done so at the time of this Office's review of assessment and classification in 2008.
- 9.16 Sentence planning officers acknowledged that Aboriginal prisoners from remote and regional areas were distinctly different in behaviour and risk from metropolitan prisoners. In response to concerns raised by this Office, the Department commenced a review of obstacles to the progression of Aboriginal prisoners to minimum security facilities in the

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215 Shortly before his resignation he had provided a draft Reconciliation Action Plan to the CET. During their deliberations of the draft plan he was not invited to participate in the discussions.

216 OICS, email correspondence with DCS, January to February 2013.

217 This service had previously existed at Casuarina before funding was discontinued in 2010. The present Superintendent had supported its reintroduction, pending suitable staffing.

218 This was still as described in OICS, *Report on the flow of prisoners to Minimum Security, Section 95, and Work Camps*, Audit Report (December 2012).

## SUBSTANTIVE EQUALITY ISSUES FOR ABORIGINAL PRISONERS

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metropolitan and south-west areas.<sup>219</sup> This included review of the assessment tool in order to ensure equality of outcomes for Aboriginal prisoners.<sup>220</sup>

### *Recommendation 18*

*Complete and implement a review of the obstacles to progression through security classifications for Aboriginal prisoners.*

## PROGRAM DEVELOPMENT

- 9.17 The Coordinator of Aboriginal Prisoner Services (CAPS) had responsibility for services for displaced Aboriginal prisoners at the Learning Centre, and received good support from the Deputy Superintendent. Surveyed prisoners listed the centre as the second best thing about Casuarina.



*Figure 18: A well-designed facility*

- 9.18 Prior to June 2013, the centre had been limited to a total of 20. However, at the time of the inspection, 20 displaced Aboriginal prisoners and 10 local-region Aboriginal prisoners were permitted at the centre. The limits to prisoner numbers had prevented any use of the two new Education Centre dongas located in the centre compound, which had capacity for a further 20 prisoners.

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219 DCS, *Aboriginal Prisoners at Minimum Security Prisons in the Metropolitan and South-West Areas*, draft report (April 2013).

220 Ibid.

- 9.19 Some Aboriginal prisoners elected to take the Displaced Aboriginals' Program (DAP) more than once. The Learning Centre's lack of a discrete budget hampers its capacity to provide courses, including the development of a follow-up course for the DAP program.<sup>221</sup> In 2012 Abmusic provided a Certificate II course in music, but the funding has been discontinued. During the first half of 2013, the Drumbeat course – a relationships discussion program, supported by Holyoake and Mental Health Services was offered for displaced Aboriginal and Noongar prisoners. Funding for the Drumbeat program was no longer available at the time of the inspection.
- 9.20 Commendably, the Department had developed research work which may lead to having the Drumbeat course accredited for parole purposes. The CAPS also noted that 'Red Dust Healing', which usefully explore trans-generational trauma, would be a good prisoner orientation program for Casuarina. This course has garnered positive attention throughout Western Australia. It would also require funding. Disappointingly, the 'Going Home' program which promised a positive, holistic approach for Aboriginal men from remote areas had not been funded.
- 9.21 The centre has a well-set out arts workshop, and the DAP program had included art in 2012. Changes to regulations requiring that the art program be certificated meant that the future of art at the centre was uncertain. In keeping with the focus on providing constructive engagement for Aboriginal prisoners, and with the importance of art in Aboriginal cultures, it is important that art continues in the informal environment of the Learning Centre.

*Recommendation 19*

*Provide the Learning Centre with a discrete budget with sufficient funding for Aboriginal programs.*

- 9.22 A life skills program ran two days a week at the centre. However, this program was not Aboriginal-specific, and was focussed towards pre-release. The Learning Centre has the capacity to enhance the provision of courses suitable for Noongar prisoners, including a Noongar version of the DAP program.

**STAFF CROSS-CULTURAL TRAINING**

- 9.23 Adequate cross-cultural training was delivered at the Academy at the time of the inspection. The Academy provided a one-day 'Working With Diversity' presentation to help staff develop an awareness of cultural difference, understand the effect of culture on behaviour, demonstrate systemic sensitivity and respect for cultural difference, and identify strategies to minimise bias and discrimination.
- 9.24 Trainees at the Academy also received 'Culturally Speaking', a two-day program exploring traditional Aboriginal culture including diversity, laws and customs, the impact of European colonisation, and options for reaching across the cultural divide. The program was delivered by an Aboriginal man, and invited reflection, self-questioning and continued dialogue.

<sup>221</sup> There was no follow up course for prisoners to progress to.

- 9.25 However, all Aboriginal cultural groups spoken to during the inspection reported a distinct lack of cultural awareness and knowledge among prison officers and other staff.<sup>222</sup> This was corroborated in the prisoner survey, where only 24 per cent of respondents felt that staff understood their culture. This was lower than in 2010 (34%), and lower when compared to the state average over the last three years (48%). Only 30 per cent of respondents reported that staff respect their culture which is similar to results in 2010 but significantly lower than the state average of 49 per cent.
- 9.26 It is important, therefore, that staff understanding and acceptance of Aboriginal cultural and social practices is monitored and evaluated on a regular basis.

#### OUT OF COUNTRY MEN

- 9.27 Most Aboriginal people in Western Australia hold a strong attachment to their ‘land’ or ‘country’ which is bound up with their own sense of who they are.<sup>223</sup> Being imprisoned out of country therefore adds a further layer to the emotional and spiritual hardship of reduced or non-existent family visits.<sup>224</sup> Holding people out of country also tends to minimise the opportunities for local forms of rehabilitation, community engagement, and re-entry into their communities. This practice falls short of the principle of substantive equality.
- 9.28 Like Hakea and Acacia, Casuarina individually accommodates more Aboriginal prisoners than are found in any one of the state’s four ‘Aboriginal Prisons.’ Approximately 50 per cent of the prison’s Aboriginal population were from regions outside of the metropolitan and south-west areas. This compared poorly to this Office’s guidance that ‘up to 5% of prisoners from a region may need to be held in highly specialised facilities such as high-security units or mental health units and this will likely require they be held out of country’.<sup>225</sup>
- 9.29 During this inspection, Aboriginal prisoners described being out of country as the most distressing aspect of their imprisonment. This repeated the findings of the inspections held in 2005, 2007 and 2010.<sup>226</sup> Aboriginal prisoners from the Wheatbelt, Goldfields and Ngaanyatjarra Lands and Kimberley regions expressed disappointment over the denial of their applications for transfer to regional prisons.
- 9.30 At the time of the inspection Aboriginal men remanded in custody at regional courts had been transferred to Casuarina, despite needing to be subsequently returned to that regional court. This practice appears both unnecessary and expensive. Aboriginal prisoners also claimed that short-term transfers back to regional prisons for family contact were not occurring at six-month intervals, as required by the Department.

222 During the inspection, focus group discussions were held with groups representative of the different regional and remote community Aboriginal prisoners at Casuarina.

223 OICS, *Inspection Standards for Aboriginal Prisoners* (July 2008) 4.

224 Ibid.

225 OICS, *Inspection Standards for Aboriginal Prisoners* (July 2008), footnote iv.

226 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 28 (June 2005) 3;

OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 49 (March 2008) 40;

OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 68 (September 2010) 43.

- 9.31 Because of the repurposing of Unit 1 as an additional Multi-Purpose Unit, Aboriginal prisoners from remote and regional communities were dispersed throughout the prison. In this dispersal, they lost their proximity to the Learning Centre, which provides the DAP and social support for displaced Aboriginal prisoners.
- 9.32 Remote and regional Aboriginal prisoners identified isolation from their fellow countrymen as contributing to personal insecurity, and expressed their desire to be placed in cell accommodation near their countrymen.
- 9.33 Aboriginal prisoners from remote and regional areas stated that they were more comfortable requesting assistance from their own people and very reluctant to ask for help outside of their own group. At the time of the inspection, the only Aboriginal peer support prisoner was a Noongar man. The peer support team were not representative of the remote and regional Aboriginal prisoner groups. This was particularly important as remote and regional Aboriginal prisoners had been dispersed throughout the prison. Subsequently, dispersed Aboriginal prisoners reportedly suffered abuse from other prisoner groups and individuals.

*Recommendation 20*

*Subject to appropriate assessment, Aboriginal prisoners from remote and regional communities should be accommodated together in dedicated accommodation.*

*Recommendation 21*

*Ensure the peer support team is representative of all cultural groups to ensure appropriate levels of assistance.*

#### RETURN HOME ON RELEASE

- 9.34 Casuarina Prison was designed to hold long-term maximum and medium security prisoners. Prior to release from prison, remote and regional prisoners are transferred back to custodial facilities closer to their home communities. That process was effective at the time of the inspection. However, remote community members were sometimes transferred to their place of arrest at a regional centre far from their home community. Preferably, the prison should ensure that prisoners have an opportunity to identify their preferred place of return prior to any transfer.

#### INSUFFICIENT INTERPRETERS AND POOR COMPENSATION

- 9.35 Interpreters for Aboriginal prisoners for whom English was not a first language were not routinely available at Casuarina. Instead the prison tended to rely upon prisoners with language skills. The PSOs reported prisoners were insufficiently compensated for their translation role (they were given tobacco). There are also issues in regard to confidentiality that make the use of non-professional translators problematic in some circumstances.<sup>227</sup>

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227 See OICS, *Report of an Announced Inspection of Pardelup Prison Farm*, Report No. 82 (January 2013) 28–29, Recommendation 6; OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (August 2012) 41; OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 46 (October 2007) 9, Recommendation 7.



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**GRATUITIES AND EMPLOYMENT**

- 9.36 As discussed in Chapter 7, Casuarina suffers from chronic unemployment and under-employment. These problems were particularly bad for Aboriginal prisoners with 56 per cent of the Aboriginal prisoner group being either unemployed or under-employed, compared to 36 per cent of the non-Aboriginal prisoners.<sup>228</sup>
- 9.37 Aboriginal prisoners also suffered severe inequality in income levels. Gratuity payments for constructive activity are ranked between one (the highest) and six (the lowest). Only eight per cent of Aboriginal men received level one payments, compared to 34 per cent of non-Aboriginal men. Conversely, while 33 per cent of Aboriginal men received level five payments, only 17 per cent of non-Aboriginal men did so.<sup>229</sup>
- 9.38 While these poor results reflect insufficient departmental support for the employment and training of Aboriginal prisoners, they fail to reflect some of the prison's constructive efforts. For example, some of the industries geared to basic skills provide employment for Aboriginal prisoners including vegetable preparation, gardens, and cleaning (all of which provide training opportunities). The prison is also seeking to develop a hands-on learning workshop in the Learning Centre. The recommendations made in Chapter 7 addressing under-employment and unemployment are particularly important for Aboriginal prisoners.
- 9.39 There was also room for the prison to consider its use of gratuity levels to encourage the constructive engagement of Aboriginal prisoners in culturally and socially appropriate activities. The gratuity system should reflect cultural differences and Aboriginal disadvantages. For example, the prison could consider providing higher rewards for basic level (such as hands-on learning) or cultural activities (such as art and music) where these represent constructive activity.<sup>230</sup>

*Recommendation 22*

- a) Ensure greater Aboriginal engagement with meaningful employment, training, and cultural activity; and*
- b) Ensure the gratuities system achieves substantive equality for Aboriginal prisoners.*

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228 Data derived from TOMS, 11 July 2013.

229 Ibid. Figures rounded to the nearest decimal point.

230 Recognition of prisoners' cultural and social situation including capability levels should not be restricted to Aboriginal prisoners, but include consideration of all relevant groups (including aged, infirm and disabled prisoners, and prisoners who have English as their second language).

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## SOCIAL AND CULTURAL SUPPORT FOR ABORIGINAL PRISONERS

### Aboriginal Prison Support Officers (PSOs)

9.40 At the time of the inspection, there was one full-time experienced Aboriginal PSO, and a second had just commenced. PSO staffing at Casuarina has been unstable over the past year, and the prison has had to rely on relief staffing at times. There have been difficulties in recruiting Aboriginal men to the role. These include the overly slow recruitment process (particularly the arduous security clearance process).<sup>231</sup>

### Good Aboriginal Visitors Scheme (AVS)

9.41 The AVS usually provided four visitors, with four visit days per week. On a typical visit, they might talk with 30–50 prisoners. Prisoners were able to request meetings in writing or through a free phone call. The visitors were guided partly by consultations with the PSOs and other staff, and were well-supported by the ASO with whom they debriefed on departure. The visitors met with Aboriginal prisoners from all areas, and debriefed AVS coordinators after each visit. All issues discussed were minuted in a report, and follow-up was reportedly consistently undertaken.

### Elders Visits

9.42 Elders visits were not being provided at the time of the inspection. Suitable visitors from the regions had previously visited on occasion while staying at the Autumn Centre in Maylands. However, the high cost of transporting those visitors to the prison limited their attendance. The occasional visits had been successfully run, with a good notification process for prisoners, including the arrangement of meetings with specific prisoners. The Department did not fund visits direct from remote communities.

### Inadequate Funeral Attendance and Spiritual Support

9.43 During 2012, the funeral attendance policy was changed to restrict attendance to funerals of immediate blood relatives (father, mother, sibling), ignoring the often close relationships existing across wider Aboriginal family groups. This policy is inequitable as it failed to recognise the cultural needs specific to Aboriginal people and did not appear to comply with the whole-of-government substantive equality requirements.<sup>232</sup>

9.44 This Office recently reviewed the Department's funeral policies and practices.<sup>233</sup> Recommendation 1 of that review stated that the Department should 'Develop, implement and effectively communicate a revised policy governing funeral attendance for prisoners'. This inspection report reiterates that recommendation.

9.45 Casuarina's practice of holding a service in the gym or chapel was well regarded. However, the inspection team were also informed that prisoner visits to friends grieving in other units had been stopped.

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231 The experienced PSO had taken another position outside for a period, and had recently returned – only to have to repeat the whole application and clearance process.

232 OICS, *Review of Funeral Attendances by Incarcerated People in Western Australia* (September 2013) iii.

233 *Ibid*, v, 23–25, 41.

### Transfers Process

- 9.46 Generally, prisoners did not understand the classification system and thought that more places in regional prisons should be available. Often prisoners were encouraged to apply for transfers after being informed by family that there were vacancies in prisons close to home. Family members reportedly did not understand the reasons for refused applications, and sometimes assumed that the prisoner was not applying and was reluctant to go home. The process of applying for a transfer was perceived as involving excessive paperwork, and the communication around the process was perceived as having been poor. Prisoners alleged a lack of information on vacancies in other prisons, insufficient feedback once a transfer has been applied for, and overly short notice for transfers once approved.

### Cultural Food

- 9.47 Access to cultural foods for Aboriginal prisoners was inadequate. Prisoners alleged that foreign prisoners were routinely served cultural foods, and sought equitable treatment. Casuarina provides a barbecue day, which includes kangaroo sausages or burgers, once every five weeks. Traditional Aboriginal food was rarely served. Kangaroo tails, kangaroo stew and damper were only prepared for NAIDOC week. Prisoners reported that they used to be given flour appropriate for making damper, and would like this reinstated. Kitchen staff would like to serve more kangaroo tails however the costs were expensive. The Coordinator of Aboriginal Prisoner Services (CAPS) sought permission to be allowed to hold weekly cook-ups. This would constitute appropriate practice.

### Learning Centre

- 9.48 As noted above, the CAPS had responsibility for services for displaced Aboriginal prisoners at the Learning Centre. The centre was run in a deliberately relaxed fashion, with a focus on building rapport and trust. Prisoners were allowed to have breaks, the Coordinator had an open door policy, and there were no population counts. The centre provided a good place for yarning and emotional support, particularly at times of sorrow. The Learning Centre was an appropriate environment for Aboriginal people (particularly 'traditional' people from remote and regional areas) because it is not operated like a formal school in the western European tradition.
- 9.49 One measure of the success of this relational regime was the very low number of incidents that have occurred in this venue (which may partially be a virtue of holding remote and regional Aboriginal men together). Prisoners reportedly felt safe from the pressures in the units including stand over and bullying.
- 9.50 Commendably, the CAPS was seeking to develop a men's group, where issues such as domestic violence could be discussed.

### Management of Feuding

- 9.51 Officers and management at Casuarina were alert for signs of feuding, and movements and placements across the prison were conducted with care. Feuding amongst visitors was managed by officers, drawing on departmental records, and through consultation with Outcare staff, who contributed knowledge of the metropolitan community. An instance of an inter-family dispute at Outcare was observed and appeared to have been well-managed. Despite the good custodial management and cooperation with Outcare, there remained room for the use of a mediation service such as the Aboriginal Alternative Dispute Resolution service.

# Chapter 10

## CONCLUSIONS: CASUARINA 2013 – UNDER-RESOURCED AND CROWDED

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- 10.1 Casuarina's focus on security, while additionally supporting reintegration, specialised care, and Aboriginal prisoners is a difficult balancing act. It has been complicated by fluctuations of prisoner population numbers and cohorts (such as increasing numbers of remand detainees, aged and infirm prisoners, mentally ill, unstable prisoners and conflicting gang members); by changing proportions of maximum, medium and minimum security prisoners in the state and prison; by the placement of Aboriginal prisoners out of country; and by the opportunities afforded (and removed) by the opening of new accommodation facilities and closure of old ones.
- 10.2 The tensions between the prison's role as a maximum security prison and its facilitation of multiple roles under the pressure of overcrowding and insufficient resourcing and infrastructure identified in the 2010 report were found to have continued in 2013. In 2010 the prison had been chronically overcrowded with excessive use of double-bunking and infrastructure that had not been updated since the prison opened in 1991. In 2013, this Office found that the Department had improved its provision of single-cell accommodation. However, the Department continued to fail to provide the support necessary for the prison's population, and Casuarina continued to be crowded.

### Supported Capacity, Infrastructure and Staffing

- 10.3 This inspection found that most of the infrastructure deficits that had been identified in previous reports remained in need of funding and implementation, despite previous assertions that several of these were existing departmental initiatives at the time of the 2010 inspection. This Office recommends that the Department should urgently act to fund and provide the prison infrastructure necessary to achieve fully supported capacity, including the kitchen, medical facility, infirmary and industries workshops (Recommendations 7, 10, 12 and 15).
- 10.4 Several of the prisons infrastructure shortfalls related to the prison's specialist statewide health and welfare responsibilities. As discussed in Chapter 6, there has been long-standing recognition of the need for further provision of statewide dedicated mental health facilities, and the lower population and expanded prisoner accommodation at Casuarina presents an opportunity to '[P]rovide additional statewide specialist mental health facilities' (Recommendation 13).
- 10.5 In 2010 this Office noted that the prison's infirmary was overburdened and supported prisoners who required assisted care (including geriatric care) in addition to specialised infirmary care. This report notes that aged and disabled prisoners were not suited to mainstream accommodation and regimes, and better placed in a dedicated facility. This Office recommends that the Department '[C]onduct an assessment of current and future demand for specialist assisted care facilities across the prison system and invest as necessary in Casuarina and other prisons.' (Recommendation 16).

- 10.6 A further infrastructure deficit lay in the outdated camera and surveillance equipment. This Office recommends that the department should review the cameras, locations, recording abilities and vision with a view to upgrading existing cameras, providing new cameras to eliminate most blind spots, and ensuring that cameras are auto recording (Recommendation 6).
- 10.7 Staffing shortages were a key cause of the Department's failure to support the prison's capacity for prisoners. Key areas such as industries and education were restricted to limited services because of insufficient staffing. This Office recommends that the Department should provide sufficient staffing levels to cover all of the prison's internal and external duties, including industries, education, staff training, medical escorts and additional hospital sits, without recourse to excessive overtime or redeployment (Recommendation 2).
- 10.8 One component of the staffing shortfall was the inadequate contract for hospital sits; this Office therefore recommends that the Department should review the contract for prisoner transport and hospital sits to ensure that the level and quality of demand is met for Casuarina and other Western Australian prisons (Recommendation 5).
- 10.9 Other staffing issues included difficulties in retention of administration staff, and instability of contract for some staff working in ongoing positions. This Office recommends that the Department should rectify these problems by ensuring that Casuarina employees working in ongoing positions have stability and are not employed through continuing renewals of short-term contracts; and by providing attractive incentives and career pathways for early stage administration staff at Casuarina (Recommendation 3).
- 10.10 A systemwide issue for staff was the complete inadequacy of the Performance Appraisal and Assessment Development System. This Office recommends that the system should be revised to ensure that it facilitates accurate assessment of performance; and identifies and provides appropriate employee training and development (Recommendation 4).

#### Prisoner Placement and Support

- 10.11 The infrastructure and staffing shortage issues at Casuarina point to a failure of adequate strategic management and resourcing by head office. Similarly, the placement of some cohorts of prisoners at this prison overburden its ability to enact its 'pure maximum' role. While the prison should only hold low security prisoners in exceptional circumstances, this inspection found that approximately 15 per cent of prisoners had a minimum security points rating. This Office therefore recommends that the Department should '[E]nsure low security prisoners are able to access appropriate regimes focussed on supporting reintegration' (Recommendation 1).

### Aboriginal Prisoner Issues

- 10.12 For social, cultural, spiritual and reintegration reasons, Aboriginal people should only be held out of country in exceptional circumstances. To otherwise misplace Aboriginal prisoners out of country is to transgress the principles of substantive equality, which require differential treatment to achieve equitable outcomes. Unfortunately, the Department continues to hold excessive numbers of Aboriginal men out of country at Casuarina and has not used its resources appropriately to manage this problem.
- 10.13 The Prisons Aboriginal Service Committee (PASC) process is an important means of providing strategic management for prison and community-based services, and for monitoring and evaluating prison's support for Aboriginal prisoners. This is particularly important at Casuarina as the prison holds large numbers and diverse groups of Aboriginal prisoners. Since late 2012 the Department has lacked a dedicated manager for the process, and plans to review the process have been put on hold. In addition, the PASC process had previously lacked sufficient support and resourcing. This Office recommends that the Department reinvigorate the PASC process with well-resourced management and support at the head office and prison levels (Recommendation 17).
- 10.14 Casuarina's prisoner population suffered from chronic levels of prisoner unemployment and under-employment. This was particularly true for Aboriginal prisoners. Aboriginal prisoners were also comparatively disadvantaged in terms of the level of gratuity payments made for constructive activity. In some cases, the gratuity levels failed to adequately reflect social and cultural differences (including pre-existing disadvantages). This Office therefore recommends that the Department should ensure greater Aboriginal engagement with meaningful employment, training, and cultural activity; and ensure the gratuities system achieves substantive equality for Aboriginal prisoners (Recommendation 22).
- 10.15 This inspection also found that there was a need for greater equity for Aboriginal prisoners in the design of the security risk assessment tool. Aboriginal prisoners were found to be disproportionately classified at higher security ratings and were failing to progress to lower security facilities where greater reintegration support is available. The Department has recognised this in recent review work and canvassed the possibility of further review work in this area. This office supports that initiative and recommends that the Department should complete and implement a review of the security risk assessment instrument to ensure equality of progression outcomes across the prisoner population, including for Aboriginal prisoners (Recommendation 18).
- 10.16 The prison recently redesignated the dedicated accommodation for displaced Aboriginal prisoners as an additional multi-purpose facility, in order to manage the excessive number of difficult-to-manage prisoners held at Casuarina. The inability to maintain both forms of dedicated accommodation was caused by a combination of overcrowding, the incompatibility of different prisoner cohorts requiring discrete accommodation, and the Department's failure to make use of all available accommodation at Casuarina and elsewhere. This represented a sacrifice of the principle of equality to the focus on security. As noted in this report, the ability to reside together is important for remote and regional

Aboriginal prisoners who would prefer to turn to their countrymen for advice and support. This Office therefore recommends that '[S]ubject to appropriate assessment, Aboriginal prisoners from remote and regional communities should be accommodated together in dedicated accommodation' (Recommendation 20).

- 10.17 Aboriginal prisoners at Casuarina are well supported by a proactive Coordinator of Aboriginal Prisoner Services. However, some valuable initiatives including a second stage program for displaced Aboriginal prisoners, the Red Dust Healing program, and the Drumbeat program and associated men's domestic violence discussion group need funding and support. This Office therefore recommends that the Department should '[P]rovide the Learning Centre with a discrete budget with sufficient funding for Aboriginal programs' (Recommendation 19).

#### Effective Representation and Communication

- 10.18 Effective representation of concerns and meaningful communication with management were relevant for prisoners, staff and families at Casuarina at the time of this inspection. One issue was the lack of representation for the different groups of remote and regional Aboriginal prisoners on the peer support team. This issue is dealt with in the recommendation that the prison ensure the peer support team be representative of all cultural groups to ensure appropriate levels of assistance (Recommendation 21).
- 10.19 Another issue was the pressure placed upon peer support prisoners to represent prisoner interests because of a lack of effective and meaningful engagement between prison management and prisoner groups. This Office therefore recommends that the prison should ensure regular scheduled unit meetings are held and establish a representative prisoner forum similar to those run at Acacia, Albany and Bunbury prisons (Recommendation 8).
- 10.20 Staff, prisoners and family members reported concerns regarding the lack of independence of the complaints and grievances system, and the lack of sufficient communication involved in the processes. Some reported a reluctance to engage in the system for fear of retaliation, or for concerns that the process would be ineffective because it involved the Department and prison investigating its own staff. This Office agrees that independence and transparency are necessary for effective complaints systems, and that greater communication with families would be constructive. The Office has recommended that the Department:
- a) Develop a pilot scheme at Casuarina to facilitate improved communication between prison management and family members of prisoners.
  - b) Monitor and review the pilot scheme in order to assess the desirability of developing a system wide service when resources allow (Recommendation 9).

#### Health, Mental Health and Welfare

- 10.21 This Office reiterates its 2010 finding that prisoners with mental health and behavioural issues require a holistic form of management, including cooperation between mental health staff, the Prison Counselling Service, nursing staff and GPs. This inspection recognised the strong developments in this area at Casuarina and identified an opportunity for further progress: '[D]evelop a multidisciplinary model of care for mentally ill prisoners, building on the strong links between the Prison Counselling Service, medical staff and GPs' (Recommendation 14).
- 10.22 Illiteracy presented as a barrier for access to health and program services for some prisoners. A recommendation has therefore been made that screening for literacy levels should be used to identify prisoners who will require assistance and that a less complex referral process be developed for medical appointments (Recommendation 11).

#### Tackling Unemployment and Under-employment

- 10.23 The chronic prisoner unemployment and under-employment identified in the 2010 inspection report was found to have continued in 2013, as had the Department's failure to address the problems, despite constructive efforts by local management and industries and other workplace staff. This Office therefore reiterated its previous findings and recommends that the Department should ensure all eligible prisoners at Casuarina are offered meaningful employment and/or education and skill development activity, and that the prison's plans for increased industries be funded and VSO staffing be increased to ensure sufficient prisoner skill-development and training (Recommendation 15).

#### Opportunities for Enhanced Capacity and Reduced Numbers

- 10.24 As discussed in this report, Casuarina has been operating under multiple forms of prisoner population pressure and tasked with conflicting responsibilities. However, it is also potentially well situated to take advantage of an easing of prisoner population pressure and its increased accommodation capacity.
- 10.25 The possibility of opening the closed unit to reinstate 52 cells provides opportunities to improve the prison's management of a complex prisoner population. In addition, by ceasing to hold an excess of remandees Casuarina's population could drop substantially. This would bring the prison closer to the capacity it has the infrastructure and services to support, and its design capacity of 525 prisoners. It would enhance prisoner management through greater placement flexibility, including options for specialised units such as dedicated accommodation for remote and regional Aboriginal prisoners, low security rated prisoners, prisoners with mental health issues, infirm and aged prisoners, and difficult-to-manage-prisoners.



# Appendix 1

## THE DEPARTMENT'S REPOSENSE TO THE 2013 RECOMMENDATIONS

| Recommendation   | Acceptance Level/Response   |
|--|---|
| <p>1. Ensure low security prisoners are able to access appropriate regimes focussed on supporting reintegration.</p> | <p><b>Supported</b></p> <p>Minimum security prisoners are currently held within Casuarina Prison due to specific needs, such as programs, protection status or for medical care. Whilst located at Casuarina they are afforded the appropriate regimes for their particular reason for location.</p> <p>These prisoners are invariably transferred to more appropriate facilities in as short a time frame as their individual predicament permits.</p> <p>Casuarina does utilise the services of a Transitional Manager to consider reintegration needs but is unable to meet the full suite of regimes, such as s95 programs that are available in the lower security prisons. Those prisoners who would be considered suitable for such programs are transferred to lower security facilities with all due haste.</p> <p>Future planning is intended to tighten this further to ensure that the number of minimum security prisoners held at Casuarina is minimised.</p> |

THE DEPARTMENT'S REPOSENSE TO THE 2013 RECOMMENDATIONS

| Recommendation   | Acceptance Level/Response  |
|--|--|
| <p>2. Provide sufficient staffing levels to cover all of the prison's internal and external duties, including industries, education, staff training, medical escorts and additional hospital sits, without recourse to excessive overtime or redeployment.</p> | <p><b>Supported</b></p> <p>Coverage of all staff shortages is currently managed within Departmental guidelines and constraints. As part of the staffing formula no allowances are made for coverage of 49/52 and 50/52 leave, additional hospital sits, medical escorts or staff deployment.</p> <p>The development of the Casuarina Prison operational and staffing model, in line with the State Muster Plan, will identify the actual staffing needs of Casuarina Prison. This staffing model will include staffing arrangements to meet the service delivery model of the Prison.</p> <p>In line with the current EBA, all prisons will be required to develop daily staffing deployment guidelines for the graduated modification of the daily operation in line with available staffing.</p> <p>The Department:</p> <ul style="list-style-type: none"> <li>• Has implemented 'Absence Management Procedures/Guidelines' for staff. The application of the procedures and guidelines at the local operational level will improve employee attendance and thus reduce staff shortages.</li> <li>• Is in the process of implementing an 'Injury Management Model' of service delivery for the management of injured workers' on Workers' Compensation.</li> <li>• Over the next 6-months will be revitalising its recruitment, selection and appointment processes to make it easier to attract and retain employees without losing the rigor of employing suitably skilled and qualified people.</li> <li>• Over the next 6-months will be reviewing its training in performance management with the requirement that employee performance and supervision is regular and monitored.</li> <li>• Over the next 6-months will be implementing cultural management training.</li> </ul> <p>The above strategies as a collective will achieve positive impacts on employee management, employee attendance and employee retention.</p> |

THE DEPARTMENT'S REPOSE TO THE 2013 RECOMMENDATIONS

| Recommendation   | Acceptance Level/Response   |
|--|---|
| <p>3. Improve staff retention and stability by:</p> <p>a) ensuring that Casuarina employees working in ongoing positions have stability and are not employed through continuing renewals of short term contracts; and</p> <p>b) providing attractive incentives and career pathways for early stage administration staff at Casuarina.</p> | <p><b>Supported</b></p> <p>All efforts have been made to minimise the impact of short term employment contracts at Casuarina. There have been major delays in recruitment processes, leading to ongoing employment under short term contracts. These delays in processing have been further highlighted during staffing reviews where the ability to advertise some positions has been curtailed until the completion of the review. Additionally, redeployment of staff to fill vacancies within the site has been required due to staff deployments, illness and workers' compensation. All efforts are being made to appoint permanent staff to vacant positions.</p> <p>The Department:</p> <ul style="list-style-type: none"> <li>• Has considered recruitment incentives, such as training and development opportunities for Level 1 and Level 2 staff, which at present is actively explored within the prison.</li> <li>• Flowing from the above dot point, over the next 6 months will review the succession planning model that is currently being developed to ascertain its feasibility across a range of Levels and professional disciplines. This step forward is a measure to retain existing employees/to attract new employees and to work with employees to define an individual career path.</li> </ul> <p>The above strategies as a collective will achieve positive impacts on employee retention and stability.</p> |
| <p>4. The Performance Assessment Development System should be revised to ensure that:</p> <p>a) it facilitates accurate assessment of performance; and</p> <p>b) it identifies and provides appropriate employee training and development.</p>   | <p><b>Supported</b></p> <p>A comprehensive review of the Performance Appraisal and Development System (PADS) will be undertaken by mid-2014. The review will seek to align with key performance indicators, identification of development areas and promotion. The intent is to create an environment where learning is valued, and assessment of deliverables offers the opportunity to identify areas for development. Such an approach seeks to make the PADS process more meaningful to all staff, facilitate personal investment, and link it with Prison Officer training and development.</p>  |

THE DEPARTMENT'S REPOSE TO THE 2013 RECOMMENDATIONS

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| Recommendation  | Acceptance Level/Response   |
|---|---|
| 5. Review the contract for prisoner transport and hospital sits to ensure that the level of demand is met for Casuarina and other Western Australian prisons.   | <p><b>Supported In Principle</b></p> <p>The Department will continue to consider all options to facilitate scheduled and unscheduled hospital admissions in the most effective manner. The CS&amp;CS Contract is funded to meet defined baseline band levels and to be complemented by public prisons to undertake unmet demand for prisoner transport and hospital escorts. A mid-term review of the CS&amp;CS contract will formulate recommendations for the extension and make determinations on value, benefits and revision of scope where required.</p>  |
| 6. Review the cameras, locations, recording abilities and vision with a view to upgrading existing cameras, providing new cameras to eliminate blind spots, and ensuring that cameras are auto recording. | <p><b>Supported In Part</b></p> <p>Casuarina prison is a vast site similar in both design and size to that of a university. While, it may not be practical or necessary to eliminate all blind spots from within the prison, a range of mechanisms are being implemented to enhance monitoring. The ongoing obsolescence program will consider the current configuration and placement of cameras as well as technological requirements, such as auto-recording cameras. Maintenance, that is tree lopping and pruning will be undertaken regularly to ensure camera coverage is not obscured unintentionally. Control staff will conduct a weekly check of all camera operating zones.</p> |
| 7. Expand the kitchen or build a new kitchen with sufficient capacity to meet current and future prisoner population demand.  | <p><b>Supported</b></p> <p>The current kitchen is able to cater for current demand and it is not intended to increase the muster beyond this in the short term, however, it is recognised that there are improvements that can be made on-site and the potential for the relocation of equipment from other sites to enhance current provisions.</p> <p>The complete refurbishment or replacement of the kitchen will again form part of the submission for funding within the SAP 2014/15.</p>   |

THE DEPARTMENT'S REPOSENSE TO THE 2013 RECOMMENDATIONS

| Recommendation   | Acceptance Level/Response   |
|--|---|
| <p>8. Ensure regular scheduled unit meetings are held and establish a representative prisoner forum similar to those run at Acacia, Albany and Bunbury prisons.</p>  | <p><b>Supported – Existing Departmental Initiative</b><br/>           Current peer support team format follows Unit Management principles; engages prisoners through peer mentors and encourages empowerment of prisoner individuals as they become peer support team members. Staff are encouraged to engage with prisoners and information is fed through unit meetings and peer team meetings to the Administration of Casuarina.</p> <p>PSOs are actively involved in the peer support process and all information is fed from Administration through the PSOs to prisoner peer support members and directly through the Deputy Superintendent.</p> |
| <p>9. a) Develop a pilot scheme at Casuarina to facilitate improved communication between prison management and family members of prisoners.<br/>           b) Monitor and review the pilot scheme in order to assess the desirability of developing a system wide service when resources allow.</p> | <p><b>Not Supported</b><br/>           The Department believes it provides adequate information services through a variety of avenues for the benefit of family members of prisoners. Individual prisons facilitate direct enquiries from family concerning their relatives within the applicable privacy constraints.</p>  |
| <p>10. Provide an upgraded medical centre, sufficient to meet current and projected needs of the prisoner population.</p>  | <p><b>Supported</b><br/>           The current health centre, inclusive of the Infirmary and the medical centre, is struggling under the case load and aging infrastructure.</p> <p>In respect to the issues identified in the medical centre, operational practices will be reviewed to determine where procedural and/or infrastructure solutions are required. Funding has been requested within the SAP 2014/2015.</p> <p>Please also refer to the response to Recommendation 12.</p>   |

THE DEPARTMENT'S REPOSENSE TO THE 2013 RECOMMENDATIONS

| Recommendation   | Acceptance Level/Response  |
|--|--|
| <p>11. a) Screening for literacy levels should be used to identify prisoners who will require assistance for access to medical services.</p> <p>b) Develop a less complex referral process for medical appointments.</p> | <p><b>Supported In Part – Existing Departmental Initiative</b></p> <p>Current processes at Casuarina allow for the screening of all sentenced prisoners, this does not consider those prisoners located therein of remand status.</p> <p>In order to negate the problem raised, Casuarina will implement a less complex referral system which is not dependent upon a prisoners literacy abilities.</p> <p>It is also incumbent for staff to be reminded that their duty of care to prisoners extends to identifying those with low literacy/comprehension skills are identified and assisted where appropriate.</p> |
| <p>12. Conduct an assessment of current and future demand for specialist infirmary services across the prison system and invest as necessary in Casuarina and other prisons.</p>   | <p><b>Supported</b></p> <p>The Department intends Casuarina to remain the statewide facility for the acutely ill, frail and aged male prisoner population and has developed business cases for facilitating this service. At this stage, the strategy is to deliver these services from Casuarina prison only. Please also refer to the response to Recommendation 10.</p>   |
| <p>13. Government should provide additional statewide specialist mental health facilities, in both hospitals and prisons.</p>  | <p><b>N/A</b></p> <p>Recommendation 9 of the 'Stokes Review' into mental health services in WA (2012) required the Department of Health, the Mental Health Commission (lead agency) and DCS to undertake a collaborative planning process to develop a 10-year plan for forensic mental health in WA. Further, the recommendation states that 'a business case for expansion of the currently inadequate number and location of secure forensic mental health inpatient beds needs to be developed for urgent government consideration.'</p>   |
| <p>14. Develop a multidisciplinary model of care for mentally ill prisoners, building on the strong links between the Prison Counselling Service, medical staff and GPs.</p>   | <p><b>Supported In Principle</b></p> <p>This recommendation is to be subsumed under Recommendation 13.</p>   |

THE DEPARTMENT'S REPOSENSE TO THE 2013 RECOMMENDATIONS

| Recommendation  | Acceptance Level/Response   |
|---|---|
| <p>15. In order to address the ongoing problems of unemployment and under-employment the Department should:</p> <p>a) ensure all eligible prisoners at Casuarina are offered meaningful employment and/or education and skill development activity; and</p> <p>b) fund the prison's plans for increased industries, and increase the VSO staffing to ensure sufficient prisoner skill-development and training.</p> | <p><b>Supported</b></p> <p>The Department recognises that across the prison estate, capital works have been directed to increasing accommodation capacity with little increase to mechanisms that increase prisoner employment opportunities, for example through the expansion or construction of industries and workshops. Employment opportunities were further constrained during the inspection of Casuarina, since the prison population had increased while two units at Hakea were allocated temporarily to the juvenile estate. The two units at Hakea now cater to the adult estate, thereby enhancing unemployment and under-employment opportunities for some prisoners at Casuarina. The Department aims to provide constructive activity and meaningful employment for all prisoners, and intends to consider options to increase service capacity.</p> |
| <p>16. Conduct an assessment of current and future demand for specialist assisted care facilities across the prison system and invest as necessary in Casuarina and other prisons.</p>  | <p><b>Supported In Principle</b></p> <p>Please refer to the Department's responses to Recommendation 10 and 12.</p>   |
| <p>17. Reinvigorate the PASC process with well-resourced management and support at the head office and prison levels.</p>   | <p><b>Supported</b></p> <p>The Department is currently conducting a review of the PASC process across the State.</p>  |

THE DEPARTMENT'S REPOSE TO THE 2013 RECOMMENDATIONS

| Recommendation  | Acceptance Level/Response  |
|---|--|
| <p>18. Complete and implement a review of the obstacles to progression through security classifications for Aboriginal prisoners.</p>                               | <p><b>Supported</b><br/>           The Department’s draft internal report <i>Aboriginal Prisoners at Minimum Security Prison in the Metropolitan and South-West</i> areas, referred to in the Inspector's report shows that Aboriginal offenders are underrepresented at minimum security and over-represented at medium and maximum security classifications. Whilst the draft internal report found the assessment tools were applied impartially, it also identified that in terms of outcomes, the assessment tool appeared to have an adverse impact upon Aboriginal offenders. These findings are being appraised to ensure that assessment tools have a positive effect on all offenders, including Aboriginal offenders.</p>   |
| <p>19. Provide the Learning Centre with a discrete budget with sufficient funding for Aboriginal programs.</p>  | <p><b>Supported In Principle</b><br/>           Discrete funding for the Learning Centre will be provided within 2013/14 budget and will then be subject to the same budget bidding processes for future years.</p>  |
| <p>20. Subject to appropriate assessment, Aboriginal prisoners from remote and regional communities should be accommodated together in dedicated accommodation.</p> | <p><b>Not Supported</b><br/>           Casuarina currently does not house all Aboriginal prisoners together but rather attempts to integrate them across the whole prison site. This is done in consideration of locating family groups together, as well as allowing for the dispersal of feuding groups. This process has been successful since the rerole of Unit 1 to a management unit and there is no suggestion that this has presented any challenges to the management of Aboriginal prisoners. The ultimate aim of the Department remains to keep as many 'out of country' prisoners in facilities closer to their home, but this is difficult with current bed spaces. The opening of the new Eastern Goldfields Prison in 2015 will alleviate some of this pressure.</p> |



THE DEPARTMENT'S REPOSE TO THE 2013 RECOMMENDATIONS

| Recommendation   | Acceptance Level/Response   |
|--|---|
| <p>21. Ensure the peer support team is representative of all cultural groups to ensure appropriate levels of assistance.</p>   | <p><b>Supported – Existing Departmental Initiative</b><br/>           Casuarina actively promotes Peer Support teams and encourages a broad spectrum of cultural diversity within the limitations of volunteers. The peer support team has representatives from all Units and meets formally on a monthly basis with the Deputy Superintendent.</p>   |
| <p>22. a) Ensure greater Aboriginal engagement with meaningful employment, training, and cultural activity; and<br/>           b) Ensure the gratuities system achieves substantive equality for Aboriginal prisoners.</p> | <p><b>Supported In Part</b><br/>           a) The Department seeks to provide meaningful and constructive activity for all prisoners, however, it is recognised that engagement with Aboriginal prisoners could be improved. The Department is considering the appointment of Aboriginal Training/ Liaison Officers, and is exploring initiatives to specifically engage Aboriginal prisoners.<br/>           b) Casuarina Prison currently enables and encourages Aboriginal prisoners to gain employment in all areas and at all gratuity levels. The gratuity profile is transparent and seeks to encourage employment. It is not considered the appropriate way to have different levels of gratuity since it may pose a risk to the good order and security of the prison. However, it is intended to consider the various factors that affect Aboriginal offender management in 2014.</p> |

## Appendix 2

### SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2010 RECOMMENDATIONS<sup>234</sup>

| Recommendation No. | Recommendations<br>By Type of Recommendation/Duration   | Assessment of the<br>Department's Implementations |                         |            |                         |           |
|--------------------|---|---|-------------------------|------------|-------------------------|-----------|
|                    |   | Poor  | Less than<br>acceptable | Acceptable | More than<br>acceptable | Excellent |
|                    | <b>Report No. 68, Report of an Announced Inspection of Casuarina Prison.</b>  |   |                         |            |                         |           |
| 1.                 | <b>Administration and Accountability of DCS</b><br>Advise Casuarina management and staff about the additional resources which will be provided to expand the infrastructure, staffing levels, and service provision to meet Casuarina's obligations to all its prisoners.   | •   |                         |            |                         |           |
| 2.                 | <b>Administration and Accountability of DCS</b><br>In order to inspire confidence of all staff in the Performance Assessment Development System it should be reviewed and revised to ensure that:<br>a) it facilitates accurate assessment of performance; and<br>b) it facilitates the identification of employee training needs and accordingly ensures provision of the requisite training.                                    | •   |                         |            |                         |           |
| 3.                 | <b>Administration and Accountability of DCS</b><br>Consistent with the intent of the Department's key business philosophies underpinning its strategic plan, Casuarina Prison should explore and develop alternative, innovative strategies to demonstrably reduce the impact of its activities upon the environment. Where necessary, it may be appropriate for the Department to provide additional resources for this purpose. |   |                         | •          |                         |           |
| 4.                 | <b>Racism, Aboriginality and Equity</b><br>Using a consultative approach, the Department and the Prison should develop and implement a detailed strategy with measurable outcomes, for the culturally appropriate management of all Aboriginal prisoners. Consultation could involve volunteers and elders, Prison Support Officers, Aboriginal Visitor Scheme staff, and the Indigenous services Coordinator.                    |   | •                       |            |                         |           |
| 5.                 | <b>Racism, Aboriginality and Equity</b><br>Review the aims, objectives and content of the DAP program and revise the program accordingly.   | •   |                         |            |                         |           |

234 Please note, Recommendations 11 and 12 were not assessed for this scorecard.

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE  
2010 RECOMMENDATIONS

| Recommendation No. | Recommendations<br>By Type of Recommendation/Duration  | Assessment of the<br>Department's Implementations |                         |            |                         |           |
|--------------------|--|---|-------------------------|------------|-------------------------|-----------|
|                    |  | Poor  | Less than<br>acceptable | Acceptable | More than<br>acceptable | Excellent |
|                    | <b>Report No. 68, Report of an Announced Inspection of Casuarina Prison.</b>   |   |                         |            |                         |           |
| 6.                 | <p><b>Rehabilitation</b></p> <p>The Department and Casuarina work together to put better systems and resources in place for the release planning and re-entry into the community of displaced prisoners. In particular, where security allows, displaced prisoners should be given more opportunity to spend more time at a prison closer to home before release.</p>  |   | •                       |            |                         |           |
| 7.                 | <p><b>Reparation</b></p> <p>In order to address the problem of unemployment and under-employment the Department should:</p> <p>a) ensure all eligible prisoners at Casuarina are offered fulltime, meaningful employment and/or skill development activity; and</p> <p>b) review and realign its employment and skill development activity at Casuarina to ensure an optimal balance between safety, improving the employment prospects of prisoners, offsetting the costs of imprisonment and benefiting the community.</p> | •   |                         |            |                         |           |
| 8.                 | <p><b>Rehabilitation</b></p> <p>Implement a human resource management and infrastructure plan that will ensure that all eligible prisoners are offered education and training that is relevant, is evenly weighted across a range of employment skills, and can substantively benefit prisoners in terms of skill development and employability upon release.</p>  |   | •                       |            |                         |           |
| 9.                 | <p><b>Care and Wellbeing</b></p> <p>Develop a staffing model that:</p> <p>a) is based on prisoners' evidenced health needs;</p> <p>b) facilitates collaborative working between disciplines and continuity of prisoner-patient care;</p> <p>c) provides options for career progression; and</p> <p>d) provides comprehensive and ongoing professional development.</p>   |   |                         | •          |                         |           |

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE  
2010 RECOMMENDATIONS

| Recommendation No. | Recommendations<br>By Type of Recommendation/Duration  | Assessment of the<br>Department's Implementations |                         |            |                         |           |
|--------------------|--|---|-------------------------|------------|-------------------------|-----------|
|                    |  | Poor  | Less than<br>acceptable | Acceptable | More than<br>acceptable | Excellent |
|                    | <b>Report No. 68, Report of an Announced Inspection of Casuarina Prison.</b>   |   |                         |            |                         |           |
| 10.                | <b>Care and Wellbeing</b><br>In view of Casuarina's statewide obligation to provide infirmary and Crisis Care Unit services, the fact that there has been no increase in capacity of these services since the prison opened, and that the population has risen exponentially, it is recommended that the built environment should be reviewed and that there should be significant investment in expanded, appropriate and different facilities. | •   |                         |            |                         |           |
| 11.                | <b>Care and Wellbeing</b><br>a) Review and revise assessment and care planning tools to ensure that they facilitate more comprehensive identification of and support for health issues, particularly those impacting upon behaviour.<br>b) Review assessment tools for their cultural relevance and develop or obtain alternatives accordingly.  | N/A   |                         |            |                         |           |
| 12.                | <b>Care and Wellbeing</b><br>a) In order to enhance custodial staff confidence, and to assist in ensuring appropriate responses to prisoners, provide training to custodial staff in how to challenge and change behaviour and in the common causes of behavioural problems.<br>b) Provide initial and ongoing training to all health care staff to ensure culturally relevant and appropriate health care delivery.                             | N/A   |                         |            |                         |           |
| 13.                | <b>Administration and Accountability of DCS</b><br>Review and revise appointment practices across the prison estate and implement a system or systems that improve timeliness and communication.   |   |                         | •          |                         |           |
| 14.                | <b>Racism, Aboriginality and Equity</b><br>Recruit Aboriginal Health and Mental Health Workers.  | •   |                         |            |                         |           |

## Appendix 3

### THE INSPECTION TEAM

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|                     |  |
|---------------------|--|
| Neil Morgan         | Inspector  |
| Andrew Harvey       | Deputy Inspector   |
| Chris Davers        | Director of Operations   |
| Joseph Wallam       | Community Liaison Officer                                      |
| Matt Merefield      | Inspection and Research Officer                                |
| Jim Bryden          | Inspection and Research Officer                                |
| Charlie Staples     | Inspection and Research Officer and Aboriginal Cultural Expert |
| Michelle Higgins    | Inspection and Research Officer                                |
| Amanda Coghlan      | Inspection and Research Officer                                |
| Dr. Margaret Giles  | Education, Training and Employment Expert                      |
| Dr. Natalie Pyszora | Mental Health Expert   |
| John van der Giezen | Aboriginal Mental Health Expert                                |

## Appendix 4

### KEY DATES

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|--|---------------------------------|
| Formal notification of announced inspection                    | 18 January 2013 <sup>235</sup>  |
| Pre-inspection community consultation                          | 13 June 2013                    |
| Start of on-site phase   | 15 July 2013                    |
| Completion of on-site phase                                    | 25 July 2013                    |
| Draft Report sent to the Department of Corrective Services     | 23 October 2013                 |
| Draft Report returned by the Department of Corrective Services | 10 November 2013 <sup>236</sup> |
| Declaration of Prepared Report                                 | 17 December 2013                |

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235 The inspection was delayed until 15 July 2013; correspondingly the Department's response time for the document request was extended until early May 2013.

236 The Department and this Office engaged in constructive discussion of the recommendations for this report. Those discussions delayed the Department's response slightly.

*Inspection of prisons, court custody centres, prescribed lock-ups,  
juvenile detention centres and review of custodial services in Western Australia.*



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

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