



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Escapes and attempted escapes from corrections in Western Australia

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1 Inspector's overview

Truth and fiction

Few events excite public curiosity as much as a prison escape. Natural curiosity is further fuelled by iconic movies in which Hollywood heroes triumph against impossible odds, intolerable conditions, cruel staff, and vicious fellow-prisoners. Movies such as *The Great Escape* (Steve McQueen), *Escape from Alcatraz* (Clint Eastwood), *Papillon* (Steve McQueen and Dustin Hoffman), and *The Shawshank Redemption* (Tim Robbins and Morgan Freeman) involve cunning plans, elaborate preparation and daredevil risk taking.

Reality is far more mundane. There is certainly no room for complacency, but escapes are rare and escapes from maximum and medium security prisons are very rare. When escapes do occur, they are generally nothing like the movies: they tend to be opportunistic, individualistic and short-lived. Good luck plays a greater role than good planning.

Most commonly, escapes involve low risk offenders who have been placed for rehabilitative reasons in work camps and minimum security settings. Escapes are also more likely when people grasp spur of the moment opportunities during escorted movements outside a secure facility.

There is always room to reduce opportunity and risk by improving physical, procedural and relational security. A process of reflection and learning is also required. However, the most significant finding of this report is that *most prisoners do the right thing: they never escape or try to escape, even when they have opportunities to do so*. For example, on any given day, over 1,000 prisoners are located in minimum security prisons or work camps, and a significant number of these prisoners are undertaking work in the community. It is important not to allow a handful of escapes to lead to the system becoming so risk averse that it compromises its own ability to achieve the critical outcome of reducing recidivism by preparing people for release.

The media is unlikely to be interested in the story that so few prisoners abuse the trust that is placed in them, but it is a story that should be told. It is a sign that, overall, the Department and its contractors are identifying and managing escape risks. They have also responded promptly and proactively to the escapes that have occurred.

Numbers, circumstances and causes

Broadly speaking, three 'locations' need to be considered with respect to escapes from Department of Correctional Services in Western Australia:

- The higher security custodial facilities (the maximum and medium security prisons and the Banksia Hill Detention Centre);

- The lower security custodial facilities (minimum security prisons and work camps, including community work being undertaken from such facilities); and
- Situations where prisoners are being moved outside the facilities themselves, including transport between court and prison, inter-prison transfers and 'hospital sits'.

The main findings of this report are as follows:

- The number of people who have escaped from any location is low. From January 2008 to August 2014, there were only 70 such escapes despite an average daily prison population of around 5000 people.
- There have been very few escapes from maximum or medium security facilities. The escapes that have occurred from such facilities in recent years have involved both publicly and privately operated facilities. All of these escapes revealed physical, procedural and dynamic security failings. However, it is also notable that most of them occurred at times when the facilities were under abnormal pressure, and also involved offenders who were prepared to take extraordinary risks. Banksia Hill Juvenile Detention Centre (maximum security) experienced two escapes, involving a total of three detainees, in 2010 and 2012. Both of these escapes were assisted by internal construction activities. In January 2014 there was an escape from the medium security section of Roebourne Regional Prison during a cyclone. In mid-2014, towards the end of a massive, high risk building program, there was an escape from the privately-operated Acacia Prison.
- Over 60 per cent of people who escaped or attempted to escape did so while outside the confines of a maximum, medium or minimum security facility. These prisoners were at work camps, at court, on authorised external activities, being transported, or in hospital.
- All escapes are unique, and most are opportunistic with little planning or prior consideration. This makes them difficult to prevent.
- Although Hollywood's most famous escapees have all been male, women escape, or attempt to escape, in rough proportion to their numbers in the system.
- Younger offenders are considerably more likely to escape.
- Good staff-prisoner interactions are vital to reducing opportunities for escape.
- Most offenders were returned to custody either on the day itself or within a day of their escape. More than two thirds of people were returned in three days or less.
- Overall, the Department and its contractors have learned from escapes and have implemented changes that have been largely successful in preventing similar escapes.
- Areas for further improvement include the Department improving its escape alert system and monitoring the impact of its changes to policy and procedure. At least thirteen changes to policy and procedure have been made since 2014 in

response to escapes, but the impact of these policy changes has not been sufficiently monitored.

Balancing risks

Correctional services, at their core, are about people management and risk management. Good people management and good risk management require good intelligence, good security systems, good interaction between prisoners and staff, and appropriately balanced policies.

When Casuarina Prison opened in 1989, some people who should have known better described it as 'escape-proof' because of its robust and sophisticated perimeter security systems. They were wrong of course, and within weeks, a high profile prisoner used the oldest trick in the book to escape: he hid in a vehicle that was exiting the prison. Once again, this escape reflected opportunism, combined with procedural and dynamic security failings, at a time when the prison was not settled.

The good news is that there have been no escapes from Casuarina since then but the point is that there will always be some 'chinks in the armour'. In theory it would be possible to harden prisons further to try to eliminate all escapes. However, this report has shown that this unnecessary, as most prisoners 'do the right thing'. Undue hardening of regimes and buildings would elevate other risks, such as violence, riots or disorder within the prison. It would also reduce the capacity of the system to achieve its long term goal of improving community safety (and reducing costs) by reducing recidivism.

When a spate of escapes occurred in 2013-2014, mainly involving external escorts and 'hospital sits', it was inevitable that a range of policies and procedures would be tightened. However, blanket policies are problematic. Some of the policies that were developed have created unnecessary costs and operational complexity, and some have created unfairness to prisoners who had shown they did respond to trust. For example, prisoners who have been trusted to leave a prison on a daily basis to undertake work in the community, and have ample opportunity to escape if they wish, have required a two-officer escort, in restraints, if they have needed to go to hospital.

In summary, the spate of escapes in 2013-2014 was very concerning. However, there have been immediate responses to these incidents and, taking a longer term view, both the Department and its contractors deserve credit for having achieved a low number of escapes. The challenge is to ensure policies and procedures are appropriately balanced and to maintain that balance.

Neil Morgan
13 February 2015

2 Recommendations

		Page
1	<i>The Department and its contractors enhance the focus on dynamic security</i>	16
2	<i>The Department implement initiatives to support the objectives of the Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025, including improved mental health services and dedicated, appropriately staffed mental health units in prisons.</i>	18
3	<i>The Department ensure unnecessary escape alerts are removed and a risk level is identified for every remaining alert.</i>	24
4	<i>The Department ensure new policies or policy changes are undertaken sparingly and are always accompanied by an impact assessment within six months of implementation.</i>	32
5	<i>The Department ensure that prisons and detention centres comply with emergency management requirements, as specified by the Emergency Management Framework.</i>	36
6	<i>The Department ensure every escape and attempted escape is reviewed and documented allowing proactive analysis of systemic issues to be undertaken.</i>	41

3 Background

- 3.1 At some point almost every prisoner is released back into the community. A well-functioning corrections system prepares prisoners for their release and helps reduce the likelihood they will reoffend. This is balanced against managing the risk of escape and other potential management problems. For some people in prison this means strict supervision under maximum security conditions. For others it means limited or low supervision, increased autonomy and, as far as is possible, an environment which is close to what they will return to on release.
- 3.2 Prisons are rated as maximum, medium or minimum security. Some prisoners at minimum security prisons are able to undertake activities outside the prison under section 95 of the Prisons Act, provided they are assessed to be a suitably low risk. There are also five 'work camps' for highly selected and trusted minimum security male prisoners. Section 95 activities and work camp placements are designed to assist prisoner rehabilitation, provide community reparation, and to provide an incentive for good prison behaviour.
- 3.3 The Department and its Court Custody and Custodial Services contractors (currently Serco) are also responsible for moving a large number of 'persons in custody' each day for the purposes of court appearances, medical appointments, work release programs and other activities. These movements create both operational risks and logistical challenges.
- 3.4 Transfers may also occur to manage the prisoner population. An important factor in successful reintegration is for people in custody to maintain contact with people outside prison,¹ and people may be moved closer to their home or family to facilitate this contact. Some prisoners are also moved to access services such as treatment programs which may not be available where they are located. This results in people being moved between facilities during their time in custody.
- 3.5 On an average day, there are at least 265 offenders moving throughout the state.² This equates to moving approximately five per cent of the daily prisoner population each day.³ Consequently the physical security experienced by an offender during their time in custody is not static; a person is not merely received into custody at one facility to remain in situ until release.

¹La Vigne, NG., Naser, RL., Brooks, LE., and Castro, JL. Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners' Family Relationships. In *Journal of Contemporary Criminal Justice* (2005) 21:314-335; Woodall, J. and Kinsella, K. *An independent evaluation of Jigsaw Visitors' Centre's Play Visits Service delivers to prisoners and their families at HMP Leeds* (June 2013)

² Based on offender movements on the 15th day of each month in 2013.

³ Based on the daily average population of 5,139 obtained from data extraction each day in 2013.

The risk of escape

- 3.6 The Department is in the business of managing risk. The removal of all risk of escape would require an unacceptable level of restriction and expense, eliminating mechanisms which prepare the person in custody for release. Without effective mechanisms for successful reintegration into the community, prisoners are more likely to return to previously established patterns of behaviour and public safety is compromised.
- 3.7 The risk of escape from a 'secure' environment is greater when a person is being moved outside a custodial facility than when they are in the facility. Escapes, and attempts from outside a custodial facility are made when people perceive a realistic opportunity for success. Such events are rare but they may arise because there is limited physical security,⁴ or required security mechanisms, such as handcuffs, have been applied incorrectly.⁵ Regardless of the reason, it is rare that the opportunity for escape will occur more than once for the same person. As a result, very few people escape or attempt to escape multiple times.
- 3.8 The risk of an escape is greater, because the opportunities are greater, when a prisoner is undertaking section 95 activities or is in a work camp or a minimum security prison. Prisoners are often being trusted in open and less supervised conditions for extensive periods and while some of the facilities do have physical barriers, these usually seek to deter opportunism rather than providing an impregnable barrier.
- 3.9 Prisons vary widely in terms of their location, design, functions and layout, and it is not possible to generalise about the physical security measures that exist at different sites. Prisons which are 'pure maximum' (Albany, Bandyup, Casuarina and Hakea prisons) or 'pure medium' (Acacia and West Kimberley) hold all their prisoners behind a strong perimeter security barrier, consisting of either a fence or a wall and coupled with appropriate detection and surveillance devices.
- 3.10 Prisons which are 'pure minimum' (Boronia, Karnet, Pardelup, Wandoo and Wooroloo) have less perimeter security but, as the following table shows, they generally have a significant level of perimeter security. The remaining prisons (Broome, Bunbury, Eastern Goldfields, Greenough and Roebourne) are 'multi-purpose, and house prisoners of different security ratings in different zones. Work camps generally have a lower level of security than minimum security prisons. The following table summarises the main differences between the barriers at work camps, minimum security prisons and minimum security areas of multi-purpose prisons.

⁴ See paras 5.3-5.10

⁵ See paras 5.11-5.13

Table 1

Physical security barriers at minimum security prisons and in the minimum security sections of multipurpose facilities

Physical barriers	
Work camps	
	The work camps at Dowerin, Walpole, Warburton and Wyndham 'stand-alone' some distance apart from their host prison. The new Roebourne work camp is directly outside the main prison. The physical barriers of work camps vary between facilities. Most have just a domestic scale, cyclone perimeter fence. Staff are commonly rostered to the facility in shifts that extend for some weeks. The staff routine is similar to the prisoner routine; although they are 'on call', they sleep when prisoners sleep.
Minimum security facilities	
Wandoo Reintegration Facility	Two perimeter fences with an exclusion zone. Fences have electronic sensors and are monitored. The outer perimeter fence is made of anti-climb mesh with a drum cowling.
Wooroloo Prison Farm	An anti-climb mesh perimeter fence topped with drum cowling attached to electronic sensors and monitors. During the day, prisoners can access the industry workshops (which are external to the main fence) through a controlled access gate.
Karnet Prison Farm	Similar fence, sensors and monitors to Wooroloo. During the day, prisoners access the industry workshops (which are external to the main fence) through an access gate.
Boronia Pre-release Centre	Domestic scale, cyclone perimeter fence with electronic sensors and monitoring. Regular vehicles are used to transport prisoners throughout the day to enable prisoners to access external activities.
Pardelup Prison Farm	Farm fences only. Geographically isolated location.
Multipurpose facilities	
Greenough Regional Prison	The minimum security area (capacity around 30) is located outside the main prison perimeter. It is surrounded by anti-climb mesh fence topped with drum cowling. Prisoners use a gate to access stores/work during the day. A recently upgraded external perimeter fence, made up of concrete, anti-climb mesh and drum cowling, surrounds the main prison.
Bunbury Regional Prison	A pre-release minimum security unit (design capacity 72) is located outside the main prison facility. It is surrounded by anti-climb mesh fence topped with drum cowling. The main prison has a mesh perimeter fence embedded with razor wire attached to electronic sensors and monitors. Maximum security prisoners are isolated in a secure unit within the main perimeter.
Roebourne Regional Prison	The main prison has cyclone perimeter fencing inlaid with razor wire with an exclusion zone and electronic monitoring. Maximum prisoners are isolated in a secure unit. A work camp has recently opened just outside the perimeter.
Broome Regional Prison	Cranked anti-climb perimeter fence with electronic monitoring. Maximum and medium security prisoners are isolated in a secure unit.
Eastern Goldfields Regional Prison	Patchwork of internal barriers, with razor wire on some roof tops but not others. The perimeter fence is a cyclone fence topped with barbed wire. Maximum and medium security prisoners are isolated in a secure unit

- 3.11 Given that the reduced physical security conditions at minimum security facilities and work camps increase the risk of escape, the Department aims to ensure that prisoners placed there pose the least risk to the community in the event of an escape.⁶
- 3.12 Some escapes, do not involve an attempt at a permanent break for freedom, as where prisoners have unlawfully left custody to tend to family or community issues, intending to return prior to their absence being detected. Some of these people refuse to accept their actions constituted an escape, claiming they always intended to return to custody. Many of these types of escape occur from work camps.
- 3.13 In November 2014, over 1000⁷ people were being held in a minimum security facility or precinct. If this is added to the number of people moving outside a custodial environment, every day, more than a quarter of people in custody are in circumstances where the opportunity for escape is elevated. Yet, despite more than 1265 of prisoners having an elevated opportunity for escape on any given day, only 70 people have actually escaped since 2008.

Escapes and attempted escapes

- 3.14 There are three types of unlawful absences from custody: escapes, attempted escapes, and unlawful releases. An escape occurs when a prisoner or detainee breaches physical security. This can include escaping from a prison or detention centre, a court complex or whilst under escort. It does not include prisoners or detainees simply being out of bounds within the secure confines of a facility.
- 3.15 An attempted escape occurs when a person tries to breach physical security to affect their escape, regardless of the success of the attempt. Attempted escapes are also recorded where there is evidence of planning which is well progressed.
- 3.16 There are substantial issues with how the Department defines and records escapes and attempted escapes which are discussed in detail in Appendix C. The issues include misaligned definitions, over reporting of escape attempts where the person in custody had no feasible way of escaping, and misclassifications of escape.

⁶ Department of Corrective Services (DCS), *Adult Custodial Rule 18 – Assessment and Sentence Management* (effective 6 December 2012)

⁷ Based on data from 10 November 2014, including Boronia, Karnet, Pardelup, Wandoo, Wooroloo minimum security facilities, as well as the population in the Greenough minimum security precinct, Bunbury PRU and work camps.

Unlawful releases

- 3.17 Unlawful releases occur when an offender is released from custody earlier than the date that they are lawfully entitled to be released. Unlawful releases are infrequent with only 12 people being unlawfully released from corrective services in Western Australia since 2008. They were all adult prisoners with seven wrongly released from prison and five from court or police lockups. Unlawful releases generally occur due to administrative errors such as: a miscalculated release date, a new or missed warrant, or an unsigned release order.⁸
- 3.18 Despite the small number of people wrongly released, several of these were avoidable if additional care had been taken to ensure the accuracy of the release. For example, two prisoners, both residing in the same unit at Hakea Prison, shared the same surname and first name as each other. One of the prisoners was released to Graylands Hospital for a mental health assessment. However, photographic confirmation was not sought by prison staff to ensure they had the correct prisoner and consequently the wrong person was released to the hospital.
- 3.19 However, it is just as critical an incident to wrongly detain someone as it is to wrongly release them.⁹ Some unlawful releases result not from error at the point of release but from administration issues well before the point of release. This review found one occasion where, based on the information available, it would have been inappropriate for the staff member at the point of release to detain the person seeking release. There is no evidence that a review of these cases was carried out. The Department's ability to identify the cause of these errors and mitigate them in the future is therefore limited.

⁸ DCS, *Policy Directive 41 – Appendix 1B – Critical Incidents (other than all assaults)* (effective 29 January 2014), 6

⁹ *Ibid.*, 3

4 Who escapes and attempts to escape?

- 4.1 Since 2008 only 70 people have escaped from corrective services in Western Australia while a further 38 have attempted to escape.
- 4.2 Recently, there have been a number of high profile escapes, with 12 prisoners escaping custody¹⁰ in the eight months between 1 January and 31 August 2014. One of these people remains at large. However, in spite of these recent escapes, figures have been relatively stable since 2008. The 70 escapes between 2008 and mid 2014 equate to ten escapes per year.
- 4.3 Prior to 2008 escapes were far more frequent. There were a total of 417 escapes between January 2000 and December 2007; an average of 52 escapes every year. There were also a substantial number of attempted escapes (67) during that time, but fewer unlawful releases (6).

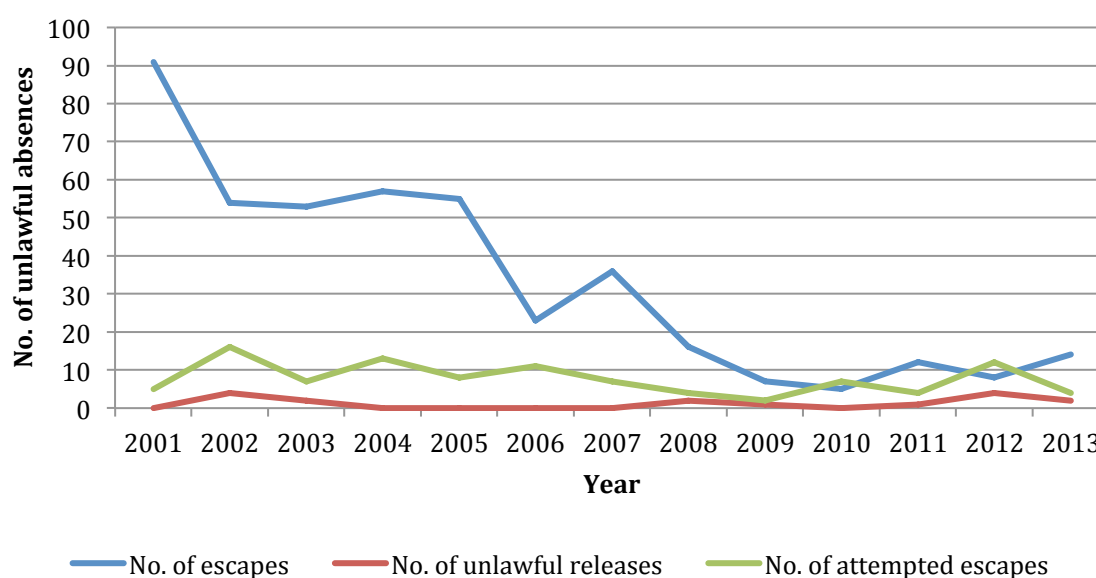


Figure 1

The number of unlawful absences from WA corrective services since 2001

¹⁰ References to 'escape' in this review should be understood to include escapes and absconds. See Appendix C: Methodology for further information.

- 4.4 Those who escaped, or attempted to do so, between January 2008 and August 2014 were a diverse group of people.

Table 2

The number of escapes and attempted escapes by gender, age, Aboriginality and legal status, January 2008-August 2014

Facility	Escapes	% escapes	Attempted escapes	% attempted escapes
Gender				
Male	66	94.3	35	92.1
Female	4	5.7	3	7.9
Age				
13-17 years	2	2.9	12	31.6
18-24 years	26	37.1	14	36.8
25-34 years	29	41.4	8	21.1
35-44 years	10	14.3	3	7.9
45-54 years	2	2.9	1	2.6
55-64 years	1	1.4	-	-
Aboriginality				
Aboriginal	47	67.1	23	60.5
Non-Aboriginal	23	32.9	15	39.5
Legal status				
Sentenced	62	88.6	11	28.9
Remand	8	11.4	23	60.5
Other ¹¹	-	-	4	10.5

- 4.5 Circumstances and motivations were unique for each event. However, some clear trends emerged:

- offenders were most likely to escape or attempt to escape before their 35th birthday;
- people who were sentenced tended to escape from minimum security custodial facilities;
- people on remand attempted to escape when they were outside a custodial facility;
- Aboriginal prisoners were overrepresented in escape and attempted escape events;
- women are involved in escapes in proportion with their numbers in the custodial population; and
- very few people made multiple escapes or attempts to escape.

¹¹ The legal status 'other' denotes young people who were on arrest at the time of their attempted escape from custody.

Younger offenders

- 4.6 Younger offenders were considerably more likely to escape or try to escape compared to their older counterparts. More than 80 per cent of offenders who successfully escaped, and almost 90 per cent of those who tried to escape, were younger than 35. This cohort only makes up just over half (58%) of the custodial population, and is therefore substantially over-represented in escapes and escape attempts. Almost all of these offenders were male.
- 4.7 Young people also account for a very large proportion of the attempted (but unsuccessful) escapes. Almost one third of attempted escapes involved people aged 13 to 18 and another third involved those aged 13 to 14.
- 4.8 Risk taking behaviours by adolescent and young adults (which would include attempting to escape from legal custody) are well documented.¹² The adolescent brain is widely considered to be still developing well into the young person's mid-20s.¹³ Research suggests that this can lead to an increased propensity towards risky, sensation-seeking behaviour.¹⁴
- 4.9 Offenders under 24 years of age who escaped were also more likely to do so in company with a co-offender.¹⁵ Research shows that adolescents and young adults are far more likely to engage in risky behaviour in the presence of peers.¹⁶ Similar results were observed in this Office's review of custodial roof ascents where younger prisoners and juvenile detainees were more likely to engage in roof ascents in pairs or larger groups.¹⁷

Sentenced versus remand

- 4.10 People in custody are either on remand awaiting the completion of their legal process, or have completed their legal process and received a sentence. The patterns of escape and attempted escape are very different between these two groups. People who have already received a sentence tended to affect an escape from minimum security facilities, whereas those on remand were more likely to escape or attempt to escape while outside a custodial facility.
- 4.11 These findings accord with expectations. It is rare that someone on remand is assessed as suitable for a minimum security facility because they are considered to be more volatile and unsettled compared to their sentenced counterparts. This is because of a number of factors including:

¹² Martin, Catherine A., et al. Sensation seeking, puberty, and nicotine, alcohol, and marijuana use in adolescence. In *Journal of the American academy of child & adolescent psychiatry* 41.12 (2002): 1495-1502; Steinberg, L. A social neuroscience perspective on adolescent risk-taking. In *Developmental Review* (2008) 28 (1), 78.

¹³ Steinberg, L. A social neuroscience perspective on adolescent risk-taking. In *Developmental Review* (2008) 28 (1), 78

¹⁴ *Ibid.*

¹⁵ Of the 26 people who escaped aged between 13 and 24 years, 15 escaped in company.

¹⁶ Chein, J., Albert, D., O'Brien, L., Uckert, K. and Steinberg, L. Peers increase adolescent risk taking by enhancing activity in the brain's reward circuitry. In *Developmental Science* (March 2011) Volume 14(2), F1-F10

¹⁷ OICS, *Audit of Custodial Roof Incidents* (October 2012)

- the unfamiliarity of the prison environment;
- the uncertainty of pending court appearances; and
- the possibility of ‘coming down’ from addiction for those recently admitted into custody.

4.12 In 2013, less than one per cent of the prisoner population were remandees rated as minimum security. Furthermore, being rated minimum security does not necessarily result in placement at a minimum security facility or a minimum security unit. Consequently, only a handful of remand prisoners are ever placed at minimum security.¹⁸

4.13 Of the 70 escapees, 62 were under sentence¹⁹ at the time of their escape and 51 were adult prisoners rated minimum security. Almost half of those escapes (24) originated from minimum security facilities and some also occurred from minimum security units attached to higher security facilities. Each of these figures is an overrepresentation compared against the proportion of the adult prisoner population.

4.14 People on remand were more likely to unsuccessful than successful in an escape. Despite only constituting 18 per cent of the population they were involved in 23 of the 38 attempted escapes (60.5%) Twenty of these 23 people attempted their escape from outside a custodial facility such as at court or in a hospital, environments decidedly less secure than the custodial facilities where people on remand are placed.

Aboriginal prisoners

4.15 Aboriginal prisoners were overrepresented in attempted escapes and escapes. Aboriginal prisoners make up approximately 40 per cent of the adult prisoner population. Yet 23 of the 38 attempted escapes were undertaken by Aboriginal prisoners (60.5%). They were also considerably overrepresented in successful escapes with more than two thirds of these events (67.1%) attributed to Aboriginal prisoners.

4.16 The overrepresentation of Aboriginal prisoners is probably largely explained by the characteristics of this cohort, in that they are younger than the non-Aboriginal prisoner population.²⁰ As noted earlier, almost 80 per cent of escapes occurred prior to the offender’s 35th birthday.

¹⁸ In 2013, 0.006 per cent of the daily average population were minimum security prisoners on remand held at minimum security facilities. This is approximately one person every three months. The majority of other remandees rated at minimum security are located at Bandyup Women’s Prison and at Albany and Greenough regional prisons.

¹⁹ 61 people were sentenced and one person was on appeal.

²⁰ OICS, *Assaults on staff in Western Australian prisons* (July 2014) 13

Women

- 4.17 Four women escaped or attempted to escape, a number that is in proportion with the custodial population. Two escaped in separate incidents from Boronia Pre-release Centre which is a minimum security facility for women. The other two women escaped together by jumping the perimeter fence at Eastern Goldfields Regional Prison while handcuffed.

Offenders who repeat escape attempts

- 4.18 The vast majority of people in custody do not escape or attempt to escape. However, there are a select few who 'are determined to escape and will make numerous concerted attempts until they have gained their freedom.'²¹ Between 2008 and 2014 only three people made multiple escape attempts.
- 4.19 The first person made three escape attempts as a youth at Banksia Hill Detention Centre, and then one successful, very short-lived escape as an adult three years later. The second individual made an escape attempt followed by a successful escape as a youth at Banksia Hill. The third person made a successful escape from a minimum security facility and a second escape from a medium security prison. In each instance, there was considerable effort and planning involved, which was rare.

CASE STUDY

On 11 December 2010 a minimum security prisoner escaped from Wooroloo prison Farm. He cut his way through steel sheeting into a shed housing two fire response vehicles. After unsuccessfully trying to hot wire a Light Tanker the prisoner gained access to another vehicle, started it and drove it through a perimeter gate. He was at large for 21 days.

On 28 July 2014, that same prisoner (then rated medium security) escaped from Acacia Prison by freeing himself from his cell and his unit in addition to breaching four fences (one of barbed wire and three of razor wire). It was evident that the prisoner had planned his activities with great precision by using various aids including tools and makeshift protective equipment. It is likely that the prisoner took considerable time planning his escape prior to the escape taking place. Despite this the prisoner was recaptured some hours later.

²¹ Bryans, S. *Prison Governors – Managing prisons in a time of change* (2013), 128.

5 Why do people escape and attempt to escape?

- 5.1 No two escapes or attempted escapes were the same. Each was unique to both the individual and the circumstances that presented at the time. However, there were some broad triggers that were present in several escape and escape attempts since 2008.

Table 3

The identified triggers in escapes and attempted escapes from January 2008-August 2014

Facility	Attempted escapes	Escapes
External issues		
Personal, family or community issues	2	17
Internal issues		
Administrative decisions	13	16
Issues with other prisoners	1	4
Issues with staff	1	5
Health concerns		
Mental health	4	5
Comorbidity		1
Opportunity	3	15
Other	2	4
No trigger identified	19	23
Total number of times trigger specified	45	90²²

Opportunity

- 5.2 It is no surprise that offenders escape or try to escape at a time when the opportunity for success is the greatest. Thus, the vast majority of escapes have been from work camps, minimum security prisons, minimum security zones of multi-purpose facilities, section 95 activities, and when people are being transported or held in court. On occasions, 'luck' and poor use of mechanical restraints have also played a major role.

Outside a secure custodial facility

- 5.3 The majority of people escaped or attempted to escape from work camps (19), court (19) and during other escorts such as hospital appointments and routine transfers (18). There were very few escapes or attempted escapes from the confines of, maximum, medium, or even minimum security facilities.

²² Figures do not total number of escapes or attempted escapes as some incident reports and recapture interviews identified multiple triggers to the incident.

Table 4

The number of escapes and attempted escapes January 2008-August 2014, by facility type

Facility	Escapes	Attempted escapes
Maximum		
Albany Regional Prison	-	-
Bandyup Women's Prison	-	-
Casuarina Prison	-	-
Hakea Prison	-	1
Banksia Hill Detention Centre (juvenile)	3	4
Rangeview Remand Centre (juvenile) <i>decommissioned</i>	-	2
Medium		
Acacia Prison	1	-
Minimum		
Boronia Pre-release Centre	2	-
Karnet Prison Farm	6	-
Pardelup Prison Farm	-	-
Wandoo Reintegration Facility	-	-
Wooroloo Prison Farm	6	-
Multipurpose		
Broome Regional Prison	4	-
Bunbury Regional Prison	4	1
Eastern Goldfields Regional Prison	3	1
Greenough Regional Prison	2	1
Roebourne Regional Prison	2	-
Outside secure custodial facility		
Court or police	-	19
Medical escort and inter-prison transfers	9	9
External activities, section 95 ²³ or day release	9	-
Work camp	19	-
Total	70	38

- 5.4 The one attempted escape from an adult maximum security facility was picked up at the planning stage and did not progress to action from the prisoner.
- 5.5 There has been one escape from a medium security prison and, with the exception of a bold and opportunistic two-man escape from the medium security section of Roebourne Prison during a cyclone, there have been very few escapes from the maximum or medium security zones of multi-purpose prisons.²⁴ Ultimately almost all escapes of adults from within a prison were from minimum security facilities or minimum security precincts in multipurpose facilities.

²³ Section 95 of the *Prisons Act 1981* provides for 'services and programmes for the wellbeing and rehabilitation of prisoners.'

²⁴ For details of the Roebourne escape see the Case Study at 5.18.

Court

- 5.6 A large number of escape attempts occurred at court. In a court room setting the doors to the public zones are left unlocked to allow access for lawyers and members of the community. People appear at court without mechanical restraints so as not to prejudice others about their possible guilt. Although some court room doors have time delay locks which can be activated to secure the room and the person should they attempt an escape, the principal method of prevention is court staff.
- 5.7 Court officers must demonstrate proficient skills and heightened vigilance. This includes closely observing and monitoring the person's body language and their reactions to the statements of the judge or magistrate. In addition, court staff must watch members of the public who may be intent on aiding an escape. The staff must also be adept at physically restraining people in the event that a person tries to escape. Since 2008, 18 escape attempts have been prevented by staff. No one in the Department's custody has escaped from court in this time.²⁵

Rehabilitation opportunities

- 5.8 By far, the largest number of escapes since 2008 have been from work camps. These are purpose-built facilities providing accommodation for limited numbers of carefully assessed low-risk male prisoners. Work camps provide opportunities to gain important life and job skills away from the institutionalised environment of prison.²⁶ To allow this to occur, physical security measures are limited to a simple gated fence which is only closed at night. The prisoners placed at work camps are not subject to 24 hour supervision, with on-site staff being on call at night but sleeping at the same time as the prisoners.
- 5.9 A substantial proportion of escapes also involved prisoners who were participating in external day activities under section 95 of the *Prisons Act 1981*. The legislation allows the prisoners leave for the purposes of community-based reparation, study, recreation and work. Like work camps, these activities provide opportunities for prisoners to improve their skills, make reparation, and interact with the community. These activities occur outside a prison where there is an absence of physical security measures and reduced supervision by staff.
- 5.10 Both work camps and section 95 activities have been specifically designed with reduced physical security and supervisions levels. Inevitably, however these conditions increase the risk of opportunistic escape. Over a third (38 per cent) of

²⁵ However, there have been escapes from court where the person has not been in the Department's custody. For example in April 2012 a young person escaped from Kununurra Magistrates Court, he was not in custody prior to the escape and there is no record of the escape occurring on the Department's TOMS database. A record of this event was only located through a perusal of Departmental abatements to Serco Pty Limited.

²⁶ DCS, *10th Anniversary of Work Camps in Western Australia – Commemorative Booklet* (2008),9

all escapes since 2008 have been carried out by work-camp or section 95 prisoners.

Ineffective mechanical restraints

- 5.11 Departmental policy²⁷ states that the majority of persons in custody should be placed in restraints (eg hand cuffs) when they are outside a custodial facility, to prevent escape. These restraints aim to thwart escape attempts by limiting the person's speed and free movement while they are in an unsecure environment.
- 5.12 To be effective restraints must be fit for purpose and correctly applied according to departmental policy and procedure. However, there have been occasions where human error, either incorrectly applying restraints or not following restraint procedures, has resulted in offenders escaping. For example, in 2012 a female prisoner managed to unshackle herself from restraints while returning from a medical escort at Royal Perth Hospital. These restraints were either too loose or simply not secured. She ran from the escorting officers but was quickly recaptured.
- 5.13 More recently, another prisoner escaped from escorting staff because, whilst he was handcuffed to himself, he was not secured in any other way which afforded him relatively free movement. In the latter case the restraints policy was breached by the escorting officers whose employment was later terminated following a review of the incident.²⁸

Unexpected success

- 5.14 A number of incidents involved 'unexpected success'. These successes resulted when prisoners tested physical barriers, sometimes out of sheer frustration, and the integrity of the barrier yielded, providing an unexpected opportunity for escape. For example, during his transport back from a medical escort, a 13 year old detainee became frustrated and abusive towards staff. The detainee began kicking the secure vehicle door with such force he eventually prised open the top door hinge and roof trim and attempted to exit the vehicle. His escape attempt was detected and prevented by staff.
- 5.15 Unexpected success was also apparent in the escape of two prisoners from Roebourne Regional Prison. Two prisoners kicked at their cell door during a cyclone. The door yielded and they escaped. Incidents triggered by such unexpected success generally result in upgrades to physical security to reduce the change of reoccurrence.

²⁷ DCS, *Assistant Commissioner Custodial Operations Notice 17/2014 – Conduct of external escorts* (effective 21/07/2014)

²⁸ Serco Deputy Managing Director and Director Operations (July 2014)

CASE STUDY

On 31 December 2013, two prisoners escaped from Roebourne Regional Prison under the cover of Cyclone Christine. In anticipation of the cyclone, prisoners were issued water and food for four meals and secured in their cells.

The prison was staffed at minimum levels due to the emergency. During the storm the electronic security systems proved ineffectual as they persistently activated in the cyclonic conditions. Furthermore, it was determined that the conditions were too severe for staff to check security alarms, so they were ordered to bunker down. Mains power was lost and the backup generator also stalled.

The two prisoners in the medium security area of the prison were annoyed by the constant rattling of their cell door and kicked at it. They felt some give and continued kicking at it for some time until the door gave way. They then broke out of the unit and scaled the roof, where other prisoners report seeing them being blown about by the storm.

The two men eventually made their way to the perimeter fence and escaped, walking from the prison to a nearby township taking shelter in a parked car along the way. When the storm passed staff conducted a count of prison population. This count failed to recognise that the two prisoners had escaped. It was not until approximately three hours after this count (and many more hours from the actual escape) that evidence of the escape was detected at the perimeter fence.

The prisoners were recaptured the following day.

External issues

- 5.16 Being isolated from family and friends during incarceration causes difficulties when reintegrating back into the community. To help alleviate this, the Department encourages offenders to maintain regular contact with external support networks.²⁹ However, when that contact reveals troubling news and conflict, the person's isolation can be more pronounced and can affect their rational decision making abilities.
- 5.17 There were 19 people who had personal, family or community issues in the period prior to their escape or attempted escape. These issues included ill and deceased relatives, problems with a partner, and community tensions. Thirteen of these 19 occasions occurred when the likelihood of success was at its greatest because there was either limited supervision or limited physical security.³⁰ Ten

²⁹ <http://www.correctiveservices.wa.gov.au/prisons/visiting-prisons/default.aspx>

³⁰ Eleven of 13 occurred from minimum security facilities, work camps or external activities, and the remaining two occurred during medical escorts.

of the 19 people with personal, family or community issues reported that their escape was also linked to identifying an opportunity.

- 5.18 Addressing offenders' concerns about external issues has the potential to reduce the number of escapes and attempted escapes. For example, assisting an offender to manage and possibly resolve tensions with their partner or helping them to apply for a visit to a dangerously ill relative could remove the 'breaking point' which triggers an escape.
- 5.19 In order to provide this intervention effective interaction between prisoners and prison officers is required. This is often referred to as relational or dynamic security. The effectiveness of this type of security is consistently assessed during inspections conducted by this office. There is great variation between facilities. In the inspection of Hakea Prison in 2012³¹ it was found that relational security had been compromised, most likely due to the vast increase in prisoner numbers and the corresponding impact on staff and prisoner relations. Likewise the 2013 inspection of Acacia found that the previously high level of positive prisoner/staff interaction was declining.³² Given the prison population as a whole continues to increase, it is imperative that a strong focus on continual improvement in building and maintaining relational security is maintained, particularly as this may prevent future escapes.

Recommendation

The Department and its contractors enhance the focus on dynamic security.

Internal issues

- 5.20 There were 29 people who had problems within the prison or detention centre prior to their escape or attempted escape. These problems included:
- returning positive drug tests and pre-empting the consequences such as prison charges and transfer to another facility;
 - having parole deferred or refused;
 - believing a sentence length was miscalculated;
 - expecting an unfavourable outcome when appealing a sentence; and
 - having problems with staff and other offenders.

³¹ Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Hakea Prison*, Report No 81 (Nov 2012) [4.41]

³² Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Acacia Prison*, Report No 90 (June 2014) [v]

In addition, another 11 people attempted to escape because they had received adverse court decisions which would have resulted in them either going into or returning to custody.

- 5.21 Addressing people's concerns when they receive an unwelcome decision or are experiencing problems in custody can reduce or prevent negative responses such as escapes or escape attempts. As discussed earlier this may take the form of an immediate response to body language.³³ However, it is also likely that meaningful engagement by custodial staff building a long term rapport with offenders would also prove effective.

Mental health concerns

- 5.22 Nine of the people who escaped or attempted to escape from corrective services were cited as having mental health concerns.³⁴ Another offender also agreed that his addiction to illicit drugs had influenced his escape. This equates to almost 10 per cent of all escapes and attempted escapes being attributable to people with mental health concerns.
- 5.23 A large proportion of people in custody suffer from mental health concerns and comorbidity issues.³⁵ These are complex problems for the Department to manage and address. As such, the need for a comprehensive mental health strategy is critical and has been repeatedly raised by this Office.³⁶ The Office has also recently found a strong association between mental health issues and staff assaults,³⁷ and noted that people with serious mental health conditions are at risk of aggression, behavioural disturbance, self-harm and suicide.³⁸ Given these links, and the relationship between mental health issues and escape and attempted escape events, it is imperative that the Department develops a comprehensive approach for managing prisoners with mental health issues.
- 5.24 In December 2014, the state government released the *Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025*.³⁹ This plan outlined a range of strategies for prevention and treatment of mental health issues in the community, in hospitals and within the justice system. This included strategies to increase the number of forensic beds in WA, further develop in-prison mental health support services, and commence development of a 70 bed in-prison dedicated mental health, alcohol and other drug service.

³³ See para 5.7

³⁴ These concerns were identified by staff in incident reports or in recapture interviews. They do not reflect medical diagnoses.

³⁵ Comorbidity refers to two co-existing disorders.

³⁶ OICS, *Assaults on staff in Western Australian prisons* (July 2014); *Report of an Announced Inspection of Casuarina Prison*, Report No. 88 (January 2014); *Report of an Announced Inspection of Boronia Pre-release Centre for Women*, Report No. 79 (July 2012); *Report of an Announced Inspection of Bandyup Women's Prison* (future release).

³⁷ OICS, *Assaults on staff in Western Australian prisons* (July 2014)

³⁸ OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 81 (November 2012)

³⁹ Mental Health Commission, The Drug and Alcohol Office; Department of Health, *The Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025* (December 2014)

- 5.25 This multi-agency response to increase forensic mental health services is a vital step in addressing the mental health needs of prisoners and among other benefits, should reduce the risk of staff assault and escape.

Recommendation

The Department implement initiatives to support the objectives of the Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025, including improved mental health services and dedicated, appropriately staffed mental health units in prisons.

Planning

- 5.26 Most escapes and escape attempts were spontaneous rather than elaborately planned events. Unlike the entertainment industry image, there are no intricate tunnel systems being dug below maximum security facilities or corrupt guards being paid off by prisoners to aid an escape. Additionally, there were very few occasions which involved damage or violence.
- 5.27 Only one in five escapes and attempted escapes (24) involved any sort of planning, the quality of which was variable. The extent of planning ranged from as little as offenders acknowledging they had thoughts about escaping in the lead up to the event, to secreting tools and fabricating other aids to assist with the escape. Some offenders also acknowledged that they studied population count procedures to time their escape attempt to have the greatest chance of success. Other examples included talking with other offenders about escaping and suspicious behaviours such as trying to distract officers or lingering in small groups. However, overall there was very little evidence of well thought out, considered, and well executed plans.

6 Responses to escapes and attempted escapes

Actual escapes

Response times

- 6.1 Since 2008, more than 40 per cent of escapes were detected immediately or within one hour. All escapes from hospital or transit were detected immediately.
- 6.2 All except one of the 32 escapes from minimum security facilities or precincts, or from external activities were detected within four hours. As stated previously, these facilities are designed to have less intensive supervision and therefore the longer time periods taken to notice the person's absence is understandable.
- 6.3 On two occasions the escapes were not detected for approximately eight hours however these were both from work camps at night. Limited staff are assigned to work camps and they are rostered on for days and weeks at a time. During their 'shift', the routine of the staff is the same as that of the prisoners, in that, even though they are on call to respond if an issue arises during the evening, they are expected to sleep when the prisoners sleep. Therefore the longer time to detect an escape from a work camp overnight is understandable.
- 6.4 However, there were some incidents where the response to the escape did not occur in a reasonable timeframe. In all of these incidents, lapses in security accounted for the delays:
- some escapes were only discovered during scheduled population counts;
 - two prisoners who had escaped from Roebourne Regional Prison during a cyclone were counted as present when the 'all clear' was given but had escaped some hours earlier; and
 - the escape of a prisoner from Acacia Prison went undetected for approximately one and a half hours because staff did not acknowledge the perimeter fence alarms for several minutes, allowing the prisoner time to disappear from the view of security cameras.

Time at large

- 6.5 Regardless of the response time, most offenders were returned to custody either on the day or within a day of their escape, and more than two thirds of people were returned in three days or less.

Table 5*The length of time before an offender returned to custody*

Length of time before returning to custody	No. of escapes
< 1 day	34
< 3 days	14
< 1 week	11
< 1 month	9
> 1 month	1
Not returned to custody	1

Attempted escapes

- 6.6 The majority of attempted escapes were prevented immediately by swift responses by staff demonstrating high levels of knowledge and training in security awareness. However, there were occasions where the response time could have been improved.
- 6.7 In particular, there were seven people involved in four different escape attempts which might not have escalated to acts of attempted escape if relational security practices had been better. These events – three at juvenile facilities and one at a prison - included:
- Four detainees (one who successfully escaped and three who were unsuccessful) absconded from their unit into a construction site within the detention centre. They moved scaffolding to the perimeter wall to aid their escape attempt. Despite staff observing strange behaviour earlier in the day, the detainees were able to access the construction site and were not initially detected missing by their supervising officers.
 - A detainee broke through the roof of his cell, crawled through the roof cavity and broke through another roof to free himself from the unit at night. He planned to escape by hiding in a skip bin until its collection the following morning. The detainee remained unchecked for a period sufficiently long enough to cause extensive damage. Causing such damage would also have resulted in considerable noise.
 - A female prisoner working in a gardens party was unsupervised for enough time to dig a hole under a demarcation fence and pass underneath. She also had in her possession garden secateurs to cut through razor wire attached to the perimeter fence. Furthermore, prior to her attempted escape she had fashioned a balaclava to hide her identity, which she had on her at the time of the attempted escape.
 - Two detainees had been planning to escape by scaling the perimeter fence with the aid of a makeshift grappling hook. The detainees were unable to initiate their escape plan as they were transferred to another facility before

they had the opportunity to implement their plan. However, the plan was only discovered after their transfer during a search.

Management of escapees

- 6.8 Escaping or attempting to escape from custody results in consequences for the person and often facility or system-wide changes. Individual consequences are designed to deter the person from engaging in similar behaviours in the future and to heighten security around the person reducing the opportunity for escape. In general, these measures have been successful given people rarely escape the same way and very few people have escaped or attempted to escape multiple times since 2008.
- 6.9 People who escape or try to escape from corrective services can receive sanctions from the Department, in addition to possible legal penalties. There are a number of sanctions which vary in severity depending on the circumstances surrounding the incident. The types of sanctions include time in a punishment cell, placement under closer supervision, losing contact visits with family and friends, and being cautioned and counselled. There were also many examples where people who had escaped or attempted to escape did not receive a Departmental sanction, but faced charges laid by the Western Australia Police.

Table 6

Consequences recorded for offenders who escaped or attempted to escape

Consequences issues	No. of consequences issued
Department of Corrective Services	
Cautioned and counselled	2
Confinement in a punishment cell	3
Loss of gratuities or daily program	2
Medical or risk management, placement in safe cell or crisis care	3
Placement under close supervision and loss of contact visits	8
Placement under a management regime	6
Restitution for damages during incident	1
Unknown outcome	
Nil recorded outcome on incident record	12
No further action taken by the Department	19
Referred to Department's security division or prosecutions (outcome unknown)	20
Western Australia Police	
Charges referred to police (outcome unknown)	18
Police charges	19
Total⁴⁰	113

⁴⁰ The total figure does not correspond with the total numbers of escapes and attempted escapes as some offenders received multiple consequences and one person remains at large. Another person was not in the Department's custody at the time they had escaped and two others had prison charges withdrawn due to release.

Security ratings and placement

6.10 Regardless of whether an administrative sanction is imposed or if formal charges are referred to the police, there are two consequences the Department will always perform. They are:

- upgrading the offender's security rating after an escape; and
- allocating an escape alert to the offender's profile on Department's offender database, TOMS.

Both of these options have limitations.

6.11 Upon recapture after an escape, the offender's security rating is immediately upgraded to maximum security. This occurs even if the person was rated minimum security at the time of their escape.⁴¹ An upgrade to a person's security rating influences how and where the offender is managed within the custodial system and decreases the risk of future escapes.

6.12 For adult escapees there are a number of placement options throughout the state where people with different security ratings can be held. Maximum security facilities provide more intensive supervision if the risk of escape is high, and placement at lower security facilities provides incentives for prisoners not to attempt an escape.

6.13 However, there is only one juvenile detention centre in Western Australia. Consequently, the Department has no alternative placement options to effectively manage young offenders who escape or attempt to escape. The inability to disperse young people based on their behaviour has been raised previously by this Office during the review of the Banksia Hill riot in January 2013.⁴² It is probably not surprising that two of the three people who made multiple escape attempts did so from Banksia Hill, including one person who made three attempts.

⁴¹ DCS, *Adult Custodial Rule 18 – Assessment and Sentence Management of Prisoners*; and *Standing Order 6 – Supervision, assessment and classification of detainees including female detainees*.

⁴² OICS, *Directed Review into an incident at Banksia Hill Detention Centre 20 January 2013*, Report No. 85, Emergency Management Review Paper (August 2013), [5.40] - [5.46]

Escape alerts

- 6.14 Following an escape or attempted escape, an alert will be entered on the offender's profile. The purpose of this alert is to advise staff of the offender's history of escape, attempted escape, or any planning of an escape they had undertaken. Therefore, the level of risk and any additional management issues can be taken into account to ensure the safety and security of staff and other offenders during the offender's placement, and on any occasion when they are escorted out of the custodial facility.
- 6.15 While this is an effective means of raising staff awareness to the heightened risk of escape posed by a particular person, the current system has lacked sufficient data cleansing. As a result, too many superfluous entries are left and these may mask the real risks. Initially, the escape alert should be reviewed seven days after it is applied. A reassessment is then to occur after six months.⁴³ However, it is common for escape alerts to remain on the offender's profile indefinitely. At the time of this review, there were 573 people in custody with escape alerts. This is far higher than the actual number of escapes and attempted escapes recorded since 2008 (108).
- 6.16 Some of this difference can be explained by people escaping from the Western Australia Police, the continued incarceration of offenders with escape histories pre-dating 2008, and duplicate records. However, despite these reasons there still appear an excessive number of escape alerts on offenders' profiles. This means that staff may be placed in a position where they need to monitor an unmanageable number of people with alerts. It also means that some of the people who are subject to alerts pose no greater risk than those against whom there is no alert.
- 6.17 The department does further badge its alerts by the level of escape risk. Ideally, this will help staff to prioritise the risks. However, over half do not have the risk level of escape identified.⁴⁴ In 2013 the Department reviewed its alerts system with the aim of 'cleaning-up' old, irrelevant alerts. However, even after this review almost all of the escape alerts - over 500 or ten per cent of the prison population - were considered as either a high or an unidentified risk. Further review is required to make the alerts system sharper and more effective.

⁴³ DCS, Assistant Superintendent Compliance, Banksia Hill Detention Centre, email (22 May 2014)

⁴⁴ According to Juvenile Custodial Officer (Induction Training) TOMS Module, the risk level of an alert is determined at the creation of the alert and it is based on the likelihood of the event occurring.

Table 7

Number of people in custody with escape alerts by risk level, as at 22 May 2014

Risk level of escape alert	No. of people with escape alerts
High	206
Moderate	6
Medium	37
Low	11
Not identified	299
Blank	14
Total	573

Recommendation

The Department ensure unnecessary escape alerts are removed and a risk level is identified for every remaining alert

Changes to policy and procedure

- 6.18 The Department often makes changes to policy and procedure in response to an escape. Figure 2 shows that since the beginning of 2014 alone, there have been at least 13 changes following the seven escape incidents recorded in 2014.⁴⁵ However, every escape has unique circumstances and it is important to avoid generalised, unintended or unnecessary consequences.

⁴⁵ A further escape occurred from Acacia prison during the writing of this report, but to date there have been no Departmental policy changes relating to this escape.

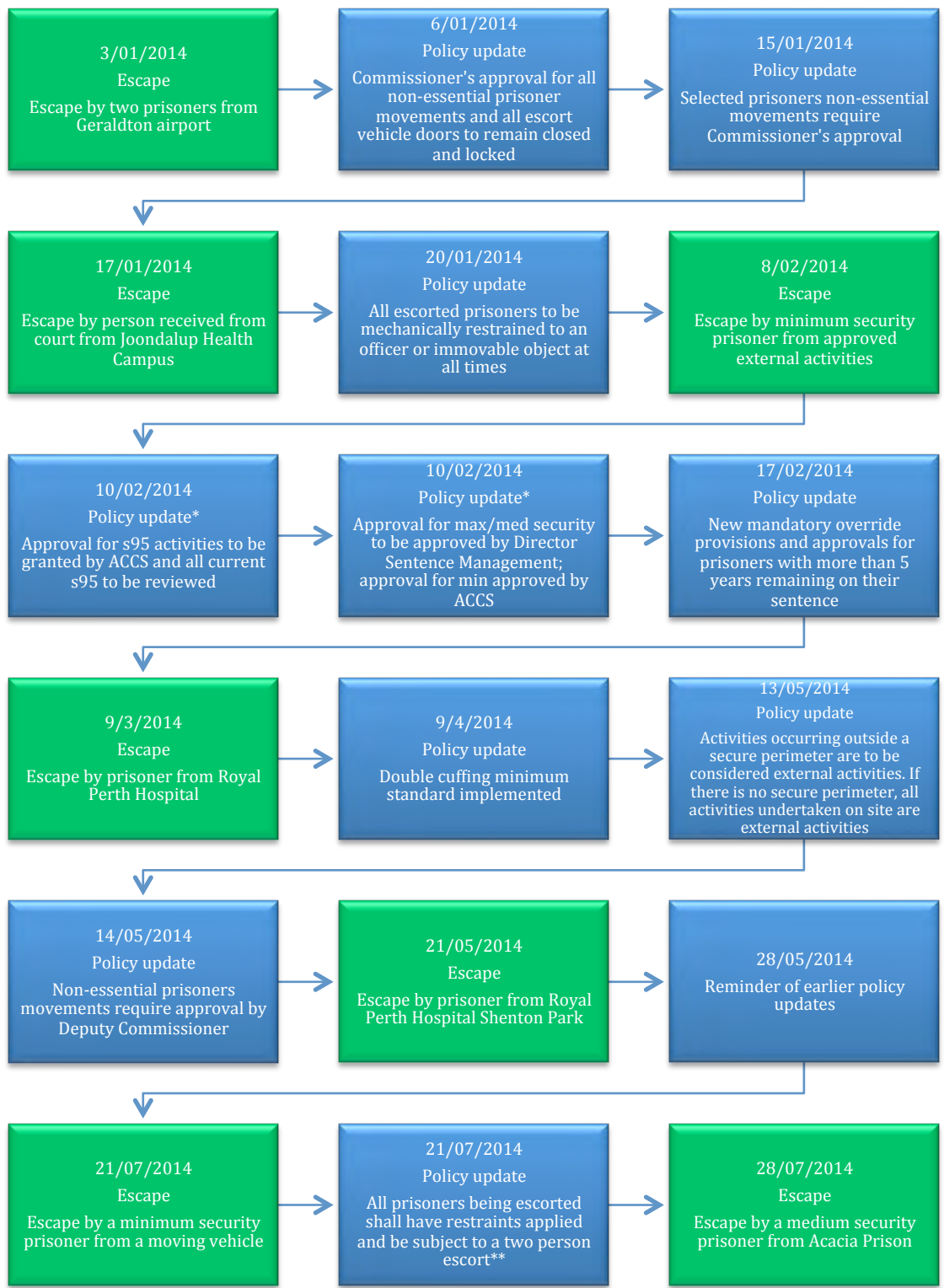


Figure 2
Timeline of escapes and subsequent policy changes since 2014

* For prisoners DSO liable (Dangerous Sexual Offender), with significant violence in their current offending or more than 50 per cent of their sentence remaining.

** Does not apply to prisoners risk assessed and approved for Section 95 activities, reintegration leave, prisoner employment program, prisoners with medical restrictions and pregnant prisoners.

Changes to offender movements

- 6.19 On 3 January 2014, two prisoners escaped from an escort at Geraldton Airport. The prisoners were located in a secure vehicle at the airport awaiting transfer to an aircraft. The outer door to the prisoner transport vehicle was opened for increased ventilation. The two prisoners were able to kick their way out of the inner door. Structural and design flaws in the vehicle were found to have contributed to the escape. These flaws were subsequently rectified for all prisoner transport vehicles.
- 6.20 In addition, new instructions were issued to all staff for outer doors to remain closed when awaiting transfers. Air conditioning is to remain on while the vehicle is stationary in lieu of the increased ventilation previously achieved through opening the outer door. This procedure change and the physical modifications to the vehicle were prudent and carried out quickly once the deficiencies were realised.
- 6.21 However, the Department also implemented a blanket policy change restricting non-essential offender movements immediately after this escape. There is no clear link between this policy change and the circumstances of the escape, as the escape was such that it could equally have occurred during an 'essential' transport. The rationale was presumably to reduce the number of movements.
- 6.22 For nine days following the escape, movements could only be approved by the Corrective Services Commissioner. Non-essential movements included prison transfers at the request of the offender, transfers for social visits, inter-prison visits and allowing prisoners to attend a funeral or visit a dangerously ill relative. This very restrictive policy was revised after nine days. However, the change had already had a devastating effect on at least one prisoner who was denied access to her young son's funeral.

CASE STUDY

On 31 December 2013, a medium security prisoner at Greenough Regional Prison was approved to attend the funeral of her thirteen year old son who had died after a fall. The funeral was to occur on 6 January 2014.

On 3 January 2014 the escape of two prisoners from Geraldton airport resulted in a procedure change halting all non-essential prisoner movements, including her attendance at her son's funeral, without the consent of the Corrective Services Commissioner. Her approval to attend the funeral was rescinded and she did not attend.

This decision attracted some media comment, most of which was sympathetic to the prisoner.⁴⁶

On 15 January 2014 the policy requiring the Commissioner's approval for non-essential movements was changed again. A new notice stated that the non-essential movements of maximum security or high security escort prisoners only required the personal approval of the Commissioner. Either side of the nine days that this policy was effective the woman would have been able to attend the funeral of her son.

Changes to restraining prisoners

17 January 2014

- 6.23 A person escaped while on medical escort. This person had been remanded in custody from court but was attending Joondalup Health Campus prior to his admission to Hakea Prison. While receiving medical attention he asked to use the amenities. He locked himself in, caused extensive damage to the bathroom, threatened staff, and eventually escaped.
- 6.24 Following this escape, practices for the use of restraints during escorts were amended. The new procedures stated that prisoners using a toilet or shower during an escort would be required to wear, at a minimum:
- a security chain linked around their ankles; and
 - a restraint securing the prisoner to either an immovable object or a staff member.

3 March 2014

- 6.25 A medium security prisoner was sent to Royal Perth Hospital due to a medical emergency. He remained in hospital until the 9 March 2014 when he briefly

⁴⁶ See for example, <https://au.news.yahoo.com/thewest/a/20630798/inmates-funeral-leave-denied/>

escaped the custody of escorting staff. His ankles had been chained together and he was further secured to the hospital bed with another restraint. He was also under the supervision of two escort officers. However, one of these officers required a comfort break and during this time the other officer adjusted her equipment belt and left her restraint keys unattended.

- 6.26 Seeing an opportunity, the prisoner stood up out of the bed, pushed the officer to the ground and obtained the restraint keys. He then unlocked his restraints, pushed the officer again and exited the hospital room. At this point the second officer was returning to the room and with the help of hospital staff they were able to physically restrain the prisoner. He was resecured and subsequently released by the hospital back to Casuarina Prison.

9 April 2014

- 6.27 As a consequence of these escapes, minimum restraint standards were developed requiring all prisoners to be double cuffed⁴⁷ at all times when they were outside a secure vehicle or location. The restraint procedures for ablutions which were created post the 17 January escape remained in place unless suitable facilities could not be located. On these occasions the new minimum standards required the prisoner to have their ankles chained together with another chain connecting an ankle to the prisoner's wrist.

21 May 2014

- 6.28 Another prisoner escaped during a medical escort after requesting to use the amenities. Until this point the medium security prisoner was double cuffed. However, for reasons of decency, staff chose to modify the prisoner's restraints so that he could use the bathroom. The recently amended policy directs the escorting officer to secure the person in custody to an immovable object prior to being released from the staff member, however this did not occur. The prisoner was released from the staff member before being secured to an immovable object and therefore was only restrained by single handcuffs.
- 6.29 The prisoner pushed past the officers and managed to exit the building but he was recaptured within an hour and a half of his escape. No policy changes occurred as a result of this escape although the Department issued a reminder of the earlier restraints policy updates.

⁴⁷ Double cuffing is a practice where the offender is handcuffed to him/herself and then handcuffed to an officer.

21 July 2014

- 6.30 A medical escort was returning to Karnet Prison with a minimum security prisoner. The escort stopped at an intersection with traffic both in front and behind the vehicle. As the lights turned green the vehicle began moving forward but the prisoner opened the door and escaped on foot. Due to the unsafe circumstances of the moving traffic, the single escorting officer was unable to do anything to prevent the escape except to issue the prisoner with an instruction to cease.
- 6.31 Later that day the Department issued another policy update. The amendment stated that all prisoners under escort were to have restraints applied as per the established minimum standards, and they were to be escorted by at least two officers.⁴⁸ The policy update further amended the minimum standards for restraining prisoners by adding that prisoners under escort not only needed to be double cuffed when outside a secure vehicle or secure location but also when they were inside an unsecure vehicle as occurs for some minimum security prisoners.

Impact of changes to restraint use policy

- 6.32 Monitoring the impact of these changes and ensuring the appropriate application of mechanical restraints is crucial as there may be unintended consequences. Double cuffing a person in a vehicle could have severe occupational health and safety ramifications for both the prisoner and the escorting officer alike if there was a serious traffic incident.
- 6.33 Likewise changes to minimum restraint standards may also have unintended consequences in practical application. In South Australia a stringent change to the minimum restraints policy was issued in early 2011 following the escape of three prisoners. The policy stated that prisoners being held in hospital should be handcuffed to the bed using a chain. One leg should also be cuffed to the bed and both legs secured to each other. The South Australian Ombudsman examined this policy following several complaints from health care professionals. The Ombudsman found that restraints should only be used in circumstances where there is a serious flight or security risk. The Ombudsman was also of the view that the practice lacked flexibility and discretion as it was used where palliative care was being issued for a person with a terminal illness and when a female prisoner was giving birth.
- 6.34 The blanket policies regarding the use of restraints also have some questionable side effects. As previously discussed, the vast majority of prisoners in minimum

⁴⁸ Some prisoners (those under escort to approved s95 external activities, reintegrated leave or prisoner employment, and pregnant prisoners, those with approved medical restrictions, and those from Boronia and Pardelup) were exempt from the policy change.

security facilities and work camps 'do the right thing': they do not try and escape, respond well to the additional responsibility placed in them, and want to maximise their rehabilitative opportunities. Some are going out of their facilities during the day, with minimal supervision and numerous opportunities to escape if they wanted. It seems unnecessary and costly for such prisoners to be required to be always restrained if (as has happened) they are taken to medical or other external appointments.

Changes to security ratings

6.35 On 8 February 2014 a minimum security prisoner was walking a learner assistance dog during approved external activities. He left the dog with another prisoner and managed to escape. Following this the Department updated its policies around security rating assessment practices and section 95 approvals for prisoners who had:

- offence types which met the provisions of the *Dangerous Sex Offender Act 2006* and whose minimum period in custody for those offences is 2 years or more; or
- significant violence in their current offending, or
- greater than 50 per cent of their sentence remaining.

The Assistant Commission Custodial Services would be the only person to approve these prisoners when they were recommended for minimum security or section 95 activities.

6.36 More changes were made after the Department faced intense scrutiny for this escape because the prisoner was only three years into 13 year sentence for serious drug-related offences, and had already attained minimum security status. As a result of these changes, prisoners cannot be rated minimum security for a period exceeding five years. These changes have affected 33 prisoners throughout the state as their minimum security status was overridden and upgraded to medium security.⁴⁹

6.37 More generally, since the beginning of January 2014 the number of minimum security prisoners has dropped by more the 120 prisoners (see Figure 3). These changes appear to reflect a move by the Department to a more risk averse method of managing offenders, rather than maintaining their role as managers of risk. This is highlighted further by the doubling of numbers of maximum security prisoners during the same timeframe, from 427 to 872.

⁴⁹ DCS, Coordinator, Custodial Inspections, email (14 July 2014)

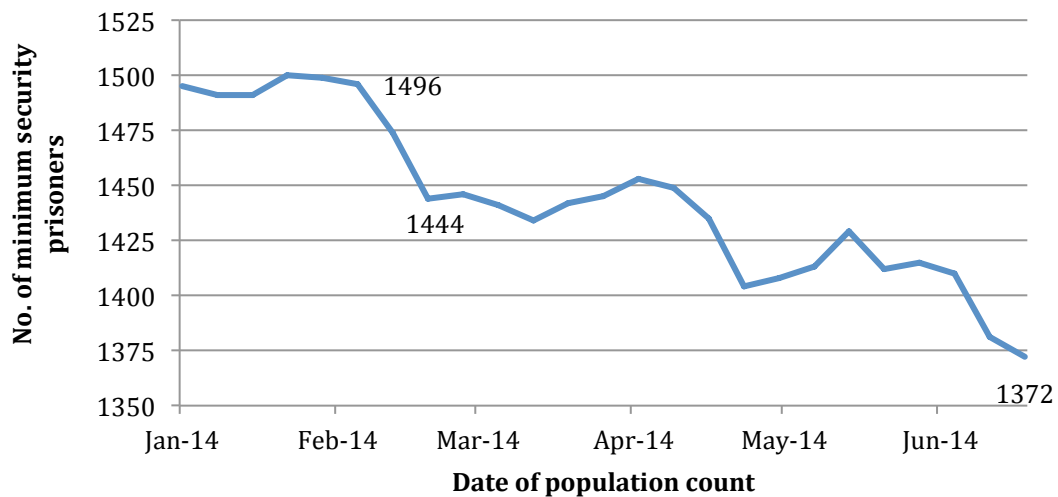


Figure 3

The number of minimum security prisoners, since January 2014

- 6.38 In response to these policy changes, all prisoners who were approved for section 95 activities were required to have their status reviewed and reapproved with input from the Department's Justice Intelligence Service.⁵⁰
- 6.39 In order to understand the changes, this Office requested from the Department information as to which prisoners had their section 95 approval revoked as a direct result of the policy changes as opposed to other reasons. The Department advised that whilst all section 95 approvals were reviewed, it did not record the requested information.⁵¹ It said that the section 95 status of offenders is subject to constant review and therefore, it was difficult to determine when a status was revoked for a particular reason.
- 6.40 This total lack of monitoring of key policy changes is concerning, particularly as it may have been responsible for fundamentally changing the demographic of the prison population in terms of security ratings. Doubling the number of maximum security rating prisoners has cost implications, and reducing the number of minimum security prisoners results in fewer people being able to access services designed to reduce recidivism and assist successful reintegration.

⁵⁰ The Justice Intelligence Services Branch (JIS) is charged with collating information from the security and information portal. JIS analyse this information and convert it into intelligence reports and briefs for further action.

⁵¹ DCS, Coordinator, Custodial Inspections, email (14 July 2014)

Importance of monitoring changing policies

- 6.41 Making policy changes is an important management strategy to prevent escapes, however changing policy has implications. A change to policy is only effective if the change is well considered, appropriately disseminated to all staff and then implemented. Continual changes to policy can make it difficult for staff to keep up to date and can lead to staff implementing policies differently. For these reasons every change to policy should be considered significant, and changes should be sparing.
- 6.42 In addition, the potential for policy changes to have unintended consequences is high. Therefore the impact of any new policies or policy changes should be routinely evaluated to ensure the policy is achieving what it set out to achieve, and any unintended or unnecessary consequences are identified and managed.

Recommendation

The Department ensure new policies or policy changes are undertaken sparingly and are always accompanied by an impact assessment within six months of implementation.

7 Preventing escapes

7.1 The Department has initiated various proactive measures to prevent escapes which are not the result of any particular incident. These measures are part of its normal risk management role in ensuring the safe and secure custody of offenders. The degree of success of these measures has been variable.

Physical security upgrades

7.2 Over a prolonged period, the Department has implemented numerous physical security upgrades to thwart escapes and attempted escapes. These upgrades have been effective at preventing and reducing the number of opportunistic escapes. For example, in 2005 two prisoners escaped from Karnet Prison Farm, a minimum security facility. The government reacted strongly to these and other prior instances by installing perimeter fences at minimum security prisons. These fences were not created as a defensible barrier; rather they were 'a point of demarcation between permissible and non-permissible prisoner movements and... [to] act as a means of detection and alarm...'.⁵² Since the installation of these fences, escapes by prisoners from Karnet and Wooroloo have decreased substantially (67 and 79 per cent respectively).

Table 8

Escapes by prisoners from Karnet and Wooroloo prison farms, 2001- 2013

Facility	Pre-fence					Post-fence							
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Karnet*	14	5	5	2	4			5	2				3
Wooroloo*	26	13	8	7	3	1	3		1	1	3	2	1

* Figures differ to those in Table 4. Location is based on where prisoners were being held at the time of their escape rather than the location they escaped from (i.e. a Karnet prisoner who escaped while on escort is recorded as a Karnet escape).

7.3 An upgraded perimeter fence at Broome Regional Prison, whilst not aesthetically pleasant, has considerably reduced the number of escapes. Formerly Broome's perimeter consisted of an old cyclone wire and tin sheeting fence which did not operate as a physical barrier to prevent escapes. There was an average of 50 unlawful absences in the state per year between 2001 and 2007, and Broome averaged 20 of these, more than double the number of escapes of any other facility in the state. After the upgrade there was a dramatic drop in escapes of 89 per cent.

⁵² OICS, *Directed review of the management of offenders in custody in Western Australia*, Report No. 30 (November 2005), xviii

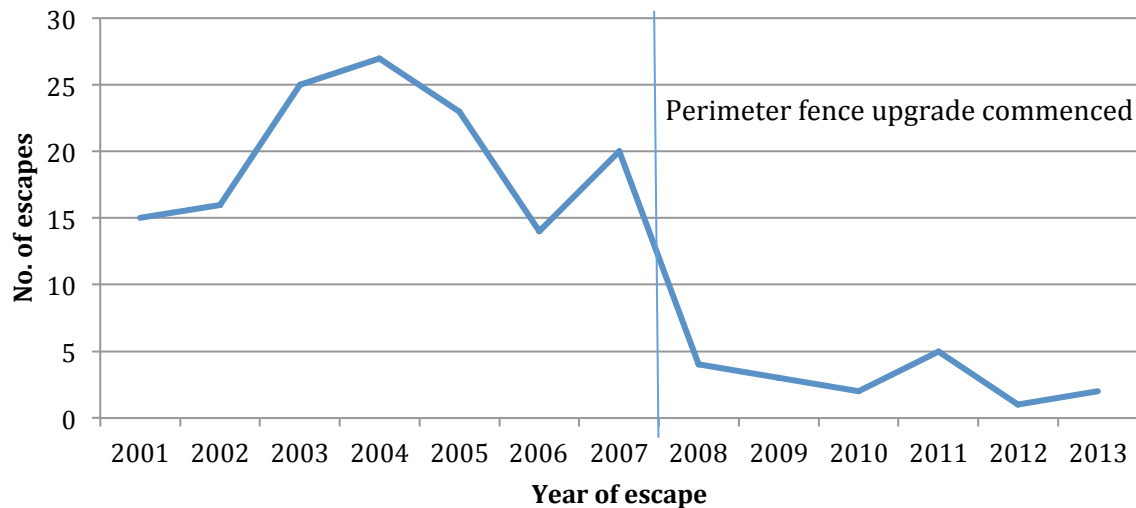


Figure 4

Escapes by prisoners from Broome Regional Prison, 2001- 2013⁵³

- 7.4 Broome prison predominantly housed Aboriginal people from the local West Kimberley area. Without a physical barrier to prevent escapes, the temptation and ease for local people to escape in order to manage personal and family matters or to continue existing habits with alcohol, was too great. The relative ease of escape also occasionally allowed some prisoners to return undetected.⁵⁴
- 7.5 Together, therefore, the perimeter upgrades at Karnet, Wooroloo and Broome have been effective at preventing and reducing the number of escapes. However, these fences have come at a cost to the level of freedom and trust afforded to prisoners.⁵⁵ Whilst the 2010 inspection of Karnet found that the prison had been largely successful at retaining its relaxed atmosphere,⁵⁶ both prisoners and staff during the 2012 Wooroloo inspection perceived that the facility had lost its minimum security atmosphere partially due to the installation of the fence.⁵⁷
- 7.6 Improving physical barriers has been a successful measure for preventing escapes. However the use of physical barriers is costly and can have unintended side effects. While an effective physical barrier can avoid the risk of escape it is important to remember the Department is in the business of managing risk not merely avoiding risk. The use of stronger physical barriers should therefore be balanced against the more important goal of successful reintegration of people back into the community.

⁵³ Figures differ to those in Table 4. Location is based on where prisoners were being held at the time of their escape rather than the location they escaped from (i.e. a Broome prisoner who escaped while on escort is recorded as a Broome escape).

⁵⁴ OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 77 (March 2012), 12

⁵⁵ OICS *Report of an Announced Inspection of Karnet Prison Farm*, Report No. 67, (July 2010), 4

⁵⁶ *Ibid.*, vii

⁵⁷ OICS, *Report of an Announced Inspection of Wooroloo Prison Farm*, Report No. 80 (August 2012), 12

Staff training

- 7.7 Training related to escapes is covered in the Escape and Recovery Procedures package delivered out of the Corrective Services Training Academy by the Department's Specialised Training Section (STS). This training is delivered to prison officers and youth custodial officers during their initial entry level training program. STS also provides refresher training as required. However, according to the Department the training predominantly covers how to manage a breach of an internal perimeter fence and how to recover an offender.⁵⁸ The training does not presently cover what to do following an escape or attempted escape during an escort or another type of authorised leave.
- 7.8 This review has confirmed that escapes and attempted escapes from secure zones of prisons are very rare but that they are far more frequent outside a secure zone and during escorts and other leave.⁵⁹ It is therefore very concerning that departmental staff are not presently trained to manage escapes or escape attempts at the point when there is the greatest risk of such events occurring. We have been advised that the Department has recently completed a review of the processes and procedures for prisoner escorts.⁶⁰ This review recommended that procedures following an escape and guidelines about preventing escapes should be included in prisoner escort training.⁶¹ This Office strongly endorses that conclusion.
- 7.9 In addition to initial entry level training for escapes, departmental staff receive ongoing training through emergency management exercises. According to the Department's Emergency Management Framework each facility must complete a minimum of six training exercises each year with at least one live drill. There are a range of topics to be covered by these exercises, including responding to an escape or attempted escape event, and each topic is required to be covered at least once every three years. However, we found that four adult custodial facilities had not performed any escape related emergency management exercises in 2012 or 2013.⁶²

⁵⁸ Manager Specialised Training, Department of Corrective Services, Training Information Explanation (4 March 2014)

⁵⁹ See paras [xxx]-[xxx]. The Minister for Corrective Services has made the same point:
<http://www.perthnow.com.au/news/western-australia/super-prison-precinct-a-nobrainier-joe-francis/story-fnhocxo3-1226930390711#social-comments>

⁶⁰ Manager Specialised Training, Department of Corrective Services, Training Information Explanation (4 March 2014)

⁶¹ Ibid.

⁶² However, one of the four prisons not to have undertaken any emergency management exercises related to escapes is West Kimberley Regional Prison which was only commissioned late 2012.

Table 9*Escape related emergency management exercises for 2012 and 2013*

Facility	2012		2013	
	Live drill	Desktop exercise	Live drill	Desktop exercise
Acacia				
Albany			Y	
Bandyup			Y	
Banksia Hill				
Boronia				
Broome		Y		
Bunbury	Y	Y		Y
Casuarina			Y	
Eastern Goldfields	Y		Y*	
Greenough			Y	
Hakea				
Karnet				Y
Pardelup		Y		
Roebourne				Y
Wandoo				Y
West Kimberley				
Wooroloo	Y			Y

* 2 live escape related exercises were undertaken

- 7.10 It is alarming that no emergency management exercises of any type had been completed by Boronia Pre-release Centre. This is despite the centre having two escapes in 2011.
- 7.11 There were also no escape related exercises for either 2012 or 2013 conducted in youth custodial in spite of a violent escape from Banksia Hill Detention Centre in 2012 and a spate of other security problems in 2010 and 2012.

Recommendation

The Department ensure that prisons and detention centres comply with emergency management requirements, as specified by the Emergency Management Framework.

Private sector contracts: incentives and abatements

- 7.12 The Department currently contracts Serco Australia Pty Limited (Serco) to manage Acacia Prison and the Wandoo Reintegration Facility and also to transport offenders around the state. The Department pays a monthly fee to Serco for these contracted services. All three contracts allow for 'specified event abatements' which reduce the amount paid to Serco on the rare occasion that

such an event occurs. These events include, but are not limited to, a death in custody, a loss of control and an escape by or release of a person in custody.

- 7.13 Depending on the contract, the type of escape and the conditions under which the person in custody is subject to, abatements can range from \$5,000⁶³ to \$100,000⁶⁴ per person.
- 7.14 Prior to the Court Security and Custodial Services Contract being awarded to Serco in 2011, the contract was held by another service provider, Australian Integrated Management Services (AIMS), which later became Global Solutions Limited (GSL) and then Group4Securicor (G4S). Unlike the current Serco contract, this contract allowed for a maximum of two escapes per financial year before abatements were applied.
- 7.15 Therefore, despite escapes occurring every year since 2002-2003, the Department could only confirm an abatement of \$300,000 was issued in the 2003-2004 financial year. The abatement related to the nine prisoners who escaped from the Supreme Court on 10 June 2004; no figures were available for the other five escapes that year.⁶⁵

Table 10

Abatements issued by the Department relating to escape incidents, between 2002-2003 and 2013-2014

Date	No. of escapes	Comments	Abatement amount	Service Provider
2002-03	4	DCS unable to provide figures for the 4 escapes.		AIMS
2003-04	14	9 prisoners escaped from Supreme Court	\$300,000 for Supreme Court escape. DCS unable to provide figures for the other 5 escapes.	AIMS
2004-05	2	Maximum	NA	AIMS
2005-06	1	of 2 escapes	NA	AIMS
2006-07	1	allowable	NA	AIMS
2007-08	1	before	NA	GSL
2008-09	1	abatement	NA	G4S
2009-10	1	applied	NA	G4S
2010-11	1		NA	G4S
2011-12	0		NA	Serco
2012-13	1		\$1,000	Serco
2013-14	5		\$220,740	Serco

⁶³ The Operation and Maintenance of the Young Adults Facility Contract states that a resident who absconds from custody can result in \$5,000 abatement against the service provider.

⁶⁴ As per the Court Security and Custodial Services Contract escapes by secure people in custody from court security and custody services and from movement services can result in a \$100,000 abatement.

⁶⁵ Information received from the Department (4 March 2014).

- 7.16 Abatements are likely to be seen as a penalty to the service provider. However, they are not intended as such.⁶⁶ Rather, they are intended to act as an incentive for service providers to implement continuous improvement to reduce the risk of escapes or attempted escapes. Service providers do this by improving practices, procedures and making adjustments based on past events.
- 7.17 While abatements are a contractual mechanism under the Departments control aimed at ensuring quality service, it is likely that a far bigger driver of quality is the eagerness of contractors to avoid damaging their reputation. Contractors wish to retain their contract which is a strong motivator for continuous improvement to their service. As such, the current contractor has made a series of changes to their practices and procedures to address escapes since they have held the contract. These changes have included reviewing and updating all of Serco's Operational Procedures as well as addressing physical security weaknesses contributing to the escape of the two prisoners from Geraldton Airport on 3 January 2014. Some procedural changes have also been made at Acacia Prison in the wake of the escape on 28 July 2014.

⁶⁶ The Operation and Maintenance of the Young Adults Facility Contract and the Acacia Prison Services Agreement both state that abatements are not intended to operate as a penalty.

8 Learning from escapes

8.1 While the Department performs thorough ad hoc reviews on a limited number of escapes, there is no formalised, documented process in place to review each escape or escape attempt.⁶⁷ This means that valuable information on many escapes and attempted escapes is not collected or analysed. As such the Department is missing the opportunity to identify any systemic issues that may increase the risk of escape.

What is collected?

8.2 Following each escape or attempted escape staff observations of the incident are captured in the Total Offender Management System (TOMS). A critical incident report summarising the incident is also created and placed on TOMS. The critical incident report includes information such as:

- a description of what has or is believed to have happened;
- the involvement of drugs and/or alcohol;
- whether the person in custody had recently been experiencing problems with family, community members, other offenders or staff;
- whether the person in custody had recently received any unfavourable administrative decisions (for example being denied early release or parole);
- whether there was a weakness in physical security measures or security procedures;
- any health concerns, the risk the person in custody presents to the community and whether they are suspected of being armed; and
- any other factors which are known or suspected to have led to the escape.

8.3 In addition, when a person has been apprehended following an escape, a recapture interview is conducted. These interviews are comprehensive and when the questions are answered honestly, provide a different perspective on the circumstances of each escape. The information obtained can assist the Department manage the person in custody on returning to custody, help in further developing its risk assessment tools and influence policy and procedural changes to prevent further escapes. A recapture interview is undertaken for the majority of persons recaptured after an escape.

⁶⁷ Interview with Assistant Commissioner Custodial Operations and Manager Statewide Security (8 April 2014)

What is not collected?

- 8.4 Unfortunately, similar interviews are not undertaken for those involved in an attempted escape. Of the 38 people who attempted to escape since 2008, only 17 critical incident reports provided some indication of a possible cause. This information was missing or was ambiguous in the other 21 cases. An interview following an escape attempt may have provided useful information to reduce future escape risk.
- 8.5 Routine reviews of escapes and attempted escapes were are not conducted, contrary to purported practice The Department advised this Office that following an escape there is an examination of the circumstances of the incident.⁶⁸ The review team was also advised that the Department's Operations Division and Security Services Directorate jointly review the escape by visiting the location, as soon after the incident as possible, to conduct a debrief with staff and finalise the escape with a brief report.⁶⁹ However the Department could not provide any evidence that this process was actually being followed with the exception of two incidents in early 2014.⁷⁰
- 8.6 Despite the lack of evidenced routine reviews of escapes, the Department's Custodial Standards and Review Branch had conducted comprehensive reviews of nine escapes at the specific direction of the Corrective Services Commissioner. The reviews looked broader than the single incident and identified findings which included recurrent and systemic issues and themes. The reviews provided an overview of the escape event and typically also included background information about the offender such as their offending and sentence history. More than 90 recommendations had been made and the implementations of these recommendations were internally tracked. Recommendations were made for specific facilities and people, and there were also recommendations made across divisions for application Department-wide. However, due to a restructure as of June 2014 the Custodial Standards and Review Branch no longer exists.
- 8.7 The Department's Security Services Directorate also conducted some formal reviews on an ad hoc basis. They have performed reviews into both the escapes from Banksia Hill Detention Centre.⁷¹ These reviews thoroughly examined the physical and procedural security risks at the facility and made 13 recommendations. Security Services has also conducted physical security assessments after escape incidents. However, there is no evidence that these assessments have been conducted after every escape.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ In August 2014 the Department submitted two recently completed escape reports to the Office. These reports had been actioned by the Department's Central Investigations and were a significant improvement to the limited information that had been previously received from the Operations Division and Security Services Directorate. They included a summary of the events, some analysis of the available evidence and recommendations.

⁷¹ A third review has been conducted on the physical security of Banksia Hill following the riot on 20 January 2014.

Recommendation

The Department ensure every escape and attempted escape is reviewed and documented allowing proactive analysis of systemic issues to be undertaken.

Importance of reviews

- 8.8 When an ad hoc or directed review is carried out the Department has learnt from the incidents. Issues and causal factors were identified and mitigation strategies were also identified and implemented. For example, it was proposed that the Department establish a 24 hour operational cell. This cell will collate and investigate information and intelligence in real time for various events including escapes and attempted escapes.
- 8.9 Another proposal has been suggested out of occasions where offenders under escort have escaped into the anonymity of the public and therefore, avoided immediate recapture. Security Services has suggested dressing offenders with an escape alert in different and clearly identifiable clothing. This will draw attention to the offender during an escort:
- improving supervision by escorting officers when the escort involves more than one offender; and
 - decreasing the ability of the offender to blend in with the public in the event of an escape.

However, increasing the visibility of the offender in public has several consequences that must be considered. An easily identifiable offender may be subject to increased public harassment. They may also be more quickly identified by people aiding their escape. Consideration should also be given to introducing a potential bias into the judicial process if the identifiable clothing prejudices a jury about the offender's possible guilt, which is the reason mechanical restraints are not used when an offender is seen by a jury.

- 8.10 While the merits of these proposals may be open to debate, they do demonstrate that the Department is proactively examining its options for preventing escapes and escape attempts.

Serco

- 8.11 As noted earlier, Serco is contracted to provide a number of prison, transport and court security services. After each escape by a person in their custody Serco performs a documented investigation or review. Like the reviews conducted by the Department's Custodial Standards and Review, these reviews are comprehensive. They provide background information and offender details. The

reviews also include witness statements and analysis, including identifying deficiencies in the investigative process (where necessary). Recommendations are presented to reduce the risk of similar circumstances arising in the future.

- 8.12 Serco advised that it also identifies issues to address from each escape. For example, following the escape of two offenders from external activities, Serco identified the benefits a GPS tracking system could have for the Wandoo Reintegration Facility. Serco is proposing the trial of GPS tracking for all residents who are section 95 approved.⁷² The trial period of six months will involve the use of electronic bracelets which will be activated only during the period the resident is outside Wandoo's perimeter.
- 8.13 Also in response to this escape incident, Serco identified the need for more frequent assessments of residents' change of circumstances.

CASE STUDY

On 3 December 2013 two Wandoo residents escaped from approved activities they were undertaking in the community. A review of the incident revealed that one of the residents had only the day before, been refused parole.

With hindsight, Serco identified that this resident should have been subject to closer supervision on the day he escaped. Serco noted that if it conducted risk assessments more frequently and that these assessments took into account a person's change in circumstances, it was likely that the resident would have remained within the facility on the day he escaped. His state of mind would have been reassessed and at a later date he would have re-joined external activities.

Identifying this need, Serco has changed its practices. Now, every resident who is approved for external activities is reviewed weekly for a change in circumstances. According to Serco, this information has assisted staff in their daily risk assessments. The Department would also benefit from a similar approach.

⁷² Interview with Deputy Managing Director and Director Operations (16 April 2014)

9 Summary

- 9.1 Many prisoners and other people in custody have led high risk life styles in the community, taking risks and willing to challenge authority. That is exactly why they are in custody. Part of the business of corrective services departments is therefore risk management.
- 9.2 However, risk management is not the same as risk avoidance. The challenge is to assess the risk of an escape, and then manage, balance and absorb this risk alongside other key objectives of a successful system, such as reducing recidivism. On the one hand, the public is obviously entitled to expect that people in custody will remain in custody. On the other hand, intelligent strategies to enhance long term public protection require the Department to focus on opportunities for people to prepare for reintegration into the community and to reduce their risk of committing further crime.
- 9.3 The WA Department of Corrective Services has developed a variety of mechanisms for managing risk, including applying security ratings to people so that those most at risk of escape, and most likely to be a risk to the community on escape, are housed in facilities that provide less opportunities for escape.
- 9.4 It is trite to say that ‘one escape is too many’ and ‘no escape is acceptable’. However, the low number of escapes (70) and attempted escapes (38) from January 2008 to August 2014 indicates that the Department has generally been very successful in managing these risks. In particular, there have been very few escapes from truly ‘secure’ places such as maximum or medium security prisons, secure prisoner transport services or courts.
- 9.5 The majority of escapes have occurred from low security situations such as work camps, minimum security prisons, and external activities organised through such facilities. Again, however, the number of such escapes has been extremely low when placed alongside the number of opportunities. With very few exceptions, minimum security prisoners respect the trust that has been placed in them and value the opportunities they are being offered. The value of the reparation and community work they undertake must also not be under-estimated: in dollar terms alone, it amounts to many millions of dollars each year.
- 9.6 Importantly, most escapes are opportunistic and do not involve well thought out plans and preparation. Heightened vigilance of staff members to opportunistic risks, particularly when managing people outside custodial facilities, is therefore essential in managing the risk of escape. It is also essential that mechanisms to prevent escape, including the use of restraints and properly following policies and procedures, are carried out correctly and consistently.

- 9.7 The spate of escapes in 2013 and 2014 is obviously of concern and it is important not to be complacent. These escapes serve to highlight the importance of all three limbs of security: proper use of physical security and the checking of physical security; adherence to procedural security; and ‘relational’/‘dynamic’ security involving proactive observation, engagement, and intelligence assessment. However, these escapes do not alter the fundamental fact that escapes are rare and generally opportunistic. It would be wrong to over-react.
- 9.8 Overall, the Department’s responses to escapes demonstrate significant learning from one incident to the next. However it has room to improve in some areas, in particular improving its escape alert system and monitoring the impact of its changes to policy and procedure. At least thirteen changes to policy and procedure have been made since 2014 in response to escapes, but the impact of these policy changes has not been sufficiently monitored. In particular the latest changes to the security classification process may have resulted in a fundamental change to the demographics of the prison population. This could significantly impact on rehabilitation opportunities and the cost of managing the prisoner population and yet the Department has advised it is not recording information that would allow it, or this Office, to track the impact of this policy.

Appendix A: Key findings

- Escapes and attempted escapes from custody are rare in Western Australia. From January 2008 to August 2014, there were only 70 such escapes despite an average daily prison population of around 5000 people.
- Most escapes are opportunistic, involving little planning or prior consideration.
- There have been very few escapes from maximum or medium security facilities.
- Almost 60 per cent of people who escaped or attempted to escape did so while outside the secure confines of a custodial facility. These prisoners were at work camps, courts, authorised external activities or being transferred between prisons or for medical purposes.
- Younger offenders are considerably more likely to escape.
- Good staff-prisoner interactions are vital in reducing the opportunities for escape.
- Most offenders were returned to custody either on the day itself or within a day of their escape. More than two thirds of people were returned in three days or less.
- Despite some missed opportunities for formally reviewing incidents, the Department and its contractors have generally learnt from escapes and have implemented changes that have been largely successful in preventing similar escapes.
- Areas for further improvement include the Department improving its escape alert system and monitoring the impact of its changes to policy and procedure. Some policy changes, made to prevent escapes, may have unintended consequences and must be monitored more closely to measure their effects.

Appendix B: Department response to recommendations



Government of **Western Australia**
Department of **Corrective Services**

Response to the Report on Escapes and Attempted Escapes from Corrections in Western Australia

Department of Corrective Services

January 2015

To protect, to rehabilitate and to serve

The Office of the Inspector of Custodial Services (OICS) has conducted an inspection on Escapes and Attempted Escapes from Corrections in Western Australia. The report covers the period January 2008 to August 2014. OICS have prepared a draft report and requested that DCS provide a response by 28 January 2015. This document contains DCS' response to specific recommendations contained in the report. At the request of OICS, advice on future actions is also included.

Key Findings

During the period of January 2008 and August 2014 there were 70 escapes and 38 attempted escapes. OICS found that DCS has generally been very successful in managing escape risks, with the number of escapes being low in comparison to the number of opportunities.

However, OICS were concerned at the increased number of escapes in 2013 and 2014. While they praised DCS for learning from each escape, they indicated that there is room to improve in some areas specifically improving the escape alert system and monitoring the impact of changes to policies and procedures.

The Report contains six recommendations for DCS. These are:

1. *The Department and its contractors enhance the focus on dynamic security.*
2. *The Department implement initiatives to support the objectives of the Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025, including improved mental health services and dedicated, appropriately staffed mental health units in prisons.*
3. *The Department ensure unnecessary escape alerts are removed and a risk level is identified for every remaining alert.*
4. *The Department ensure new policies or policy changes are undertaken sparingly and are always accompanied by an impact assessment within six months of implementation.*
5. *The Department ensure that prisons and detention centres comply with emergency management requirements, as specified by the Emergency Management Framework.*
6. *The Department ensure every escape and attempted escape is reviewed and documented allowing proactive analysis of systemic issues to be undertaken.*

Similar safety and security themes are included in previous reports. A list of relevant recommendations can be found at Attachment A.

The Department has identified opportunities to learn from these themes and will be integrating key messages into future programs of work.

Responses to Recommendations

1. The Department and its contractors enhance the focus on dynamic security.

Response:

OICS has identified that addressing offenders' concerns about external issues has the potential to reduce the number of escapes and attempted escapes. In order to provide this intervention, effective interaction between prisoners and prison officers is required.

The Department is in the business of managing risk to ensure the safety of communities and will be increasing its focus on the safety and security of staff and offenders. A focus on the security of detainees and prisoners is a key feature of the Department's new vision, mission and values.

A new Security and Safety Framework will be prepared. The Department will ensure that the formulation of this framework includes a focus on understanding why prisoners choose to escape and the benefits of dynamic security.

Level of Acceptance:

Supported in Part

Action required:

- Ensure the Department's proposed strategy for increased security and safety of staff and prisoners includes an adequate focus on dynamic security.

2. The Department implement initiatives to support the objectives of the Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025, including improved mental health services and dedicated, appropriately staffed mental health units in prisons.

Response:

The Department is a joint sponsor of the Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025 and is committed to the implementation of the objectives in that Plan.

The Department is committed to improving mental health services for prisoners. Addressing mental health improves the safety and wellbeing of offenders, increases the chances of rehabilitation, and ultimately leads to more successful rates of community re-integration and reduces the risk of recidivism.

The Department has initiated a new work program to identify ways of giving effect to deliverables in the draft Mental Health Plan. This work includes costing the provision of in-prison mental health services across the three estates and working with the MHC to assess demand and to identify the types of services required.

Level of Acceptance:

Supported in Part

Action required:

- The Department is a joint sponsor of the Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025 and is committed to the implementation of its objectives. Specific initiatives for the three estates are in the process of being identified and costed.

3. The Department ensure unnecessary escape alerts are removed and a risk level is identified for every remaining alert.

Response:

The OICS has identified that it is not uncommon for escape alerts to remain on the offender's file indefinitely. The risk is that officers may be expected to monitor an unmanageable number of offenders with alerts or manage offenders who no longer pose a significant risk of escape.

Escape alerts are entered onto the offender's profile. The Department presently reviews its current alerts system with the aim of cleaning up old alerts. Known as Operation Clearance, this is an ongoing program to review and validate all alerts. The review process enables staff to record the alerts as inactive if they are deemed unnecessary.

A Security and Safety Framework will be prepared as part of a renewed focus on the security of prisoners. The Department will also update and consolidate existing policy directives and rules to provide a clear and unambiguous set of guiding principles for the safety and security of staff and offenders.

Level of Acceptance:

Supported in Part

Action required:

- Include consideration of identified opportunities to improve the current alerts system in the new Security and Safety Framework.

4. The Department ensure new policies or policy changes are undertaken sparingly and are always accompanied by an impact assessment within six months of implementation.

Response:

The OICS has observed that the Department undertakes frequent policy changes in response to operational incidents such as escapes. The intent of these changes is to address known risks although regular policy changes can have unintended consequences such as lack of staff familiarity and inconsistencies with implementation.

The intent is to assess the impact of these policies before they are implemented and to build in regular reviews to ensure that they remain relevant.

As part of the change program, the Department will be initiating a project to review its Handbook, and to consolidate its policy directives and adult justice custodial rules to ensure operational excellence in all custodial processes and procedures.

Level of Acceptance:

Supported in Part

Action required:

- Ensure that a regular process of review and evaluation is built into the development of a consolidated set of policies, processes and procedures.
- Ensure that changes to policies, processes and procedures are adequately promoted to staff that will use and be guided by them.

5. The Department ensure that prisons and detention centres comply with emergency management requirements, as specified by the Emergency Management Framework.

Response:

The OICS has identified that four facilities did not conduct any escape-related emergency drills during 2012 or 2013. They state that staff could benefit from additional training related to managing an escape.

Adult Custodial Policy Directive 72 and Youth Custodial Rule 208 stipulate that Superintendents are required to comply with the Emergency Management Framework.

The Department is developing a safety and security framework. As part of this exercise an assurance framework will be developed to ensure that the Department is complying with its relevant policies and procedures, including emergency management policies.

This process will allow the Department to evaluate what policies are essential to achieving its vision and mission and determine whether these policies should be adjusted.

Level of Acceptance:

Supported in Part

Action required:

- As part of the new safety and security framework ensure that adequate mechanisms are included to ensure compliance with new or amended emergency management requirements.

6. The Department ensure every escape and attempted escape is reviewed and documented allowing proactive analysis of systemic issues to be undertaken.

Response:

The OICS has identified that there is no documented, formalised process for reviewing each escape or escape attempt. As a result OICs believes that the Department is missing an opportunity to identify any systemic issues that may increase the risk of escape.

The Department evaluates and investigates all escapes and attempted escapes. This process is aimed at identifying both the individual circumstances of the escape and systemic issues that may have contributed. This process is intended to contribute to an environment of continuous improvement and help ensure that future escapes are less likely to occur.

The Department's new strategic plan has a focus on identifying and continuously managing risks, including escapes. Specifically, under the plan the Department will develop and implement a framework that enables it to manage risks, especially those that threaten the achievement of its vision, mission and key deliverables. This process involves identifying and managing systemic issues that contribute to escapes.

Level of Acceptance:

Supported in Part

Action required:

- Ensure that future risk management planning considers the lessons learnt from all escapes and attempted escapes, including the clear identification of any underlying systemic issues.

Appendix C: Methodology

Using standard query language data extraction, three data sets were obtained from the Department's database, Total Offender Management Solution (TOMS) for the period between 1 January 2008 and 31 August 2014. These sets included:

- a list of all escapes by people in custody from Western Australian custodial facilities;
- a list of all attempted escapes; and
- a list of all people in the custody of corrective services who were unlawfully released.

Additional data was extracted from TOMS for all escapes which occurred between 1 January 2000 and 31 December 2007, and for all people who have ever achieved an escape and continue to remain at large.

Analysis was also conducted on documents provided to the Office by the Department of Corrective Services (the Department) and Serco Australia Pty Limited (Serco).

A series of interviews were conducted with Departmental staff and other key stakeholders.

Site visits were conducted at Roebourne Regional Prison and Acacia Prison. The review team also attended prototype testing at the Emergency Support Group facility when the Department and Serco were establishing a set of minimum standards for physical security of the escort fleet.

Defining an escape

There are problems defining and, therefore, correctly recording the different types of escapes. Presently the Department's reporting system, TOMS, allows staff to record an escape incident as either an escape or an abscond. Former departmental policies define abscond as occurring when a person departs from:

- an area adjacent to a maximum or medium security facility (outside worker);
- a minimum security facility without breaching a physical barrier;
- a Section 95 program outside the prison when unguarded; or
- a hospital or another place when unguarded.⁷³

However, current departmental policies⁷⁴ no longer use this terminology. Instead, they define all unlawful absences as escapes, including those which occur without breaching physical security.

⁷³ DCS, *Policy Directive 41 Appendix A - Categorisation of incidents in TOMS* (effective 7 February 2011 to 29 January 2014)

⁷⁴ Unlawful absences by adult prisoners are defined in *Policy Directive 41 - Reporting of Incidents and Additional Notifications* (effective 29 January 2014). The policies relevant to young people are *Youth Custodial Rule 109 - Minimum Reporting Requirements* (YCS Rule 109) and *Standing Order 3 - Official documentation, records and reporting*.

Continuing to allow staff to categorise an escape as an abscond contradicts the Department's policies. This has resulted in the misclassification of at least one escape since the current policies came into effect in January 2014 (adult custodial) and May 2014 (youth custodial). Similar errors have been highlighted by this Office in a recent review of assaults on staff and these errors will continue until the Department upgrades its offender database to align with its policies.

Despite this, the Department advised that TOMS will not be upgraded to reflect the current policy.⁷⁵ This is because the Department is required to report the number of escapes from open prisons and secure prisons⁷⁶ separately to the Australian Government's Productivity Commission. The Office was advised that due to the policy change and TOMS keeping the obsolete terminology, staff will be required to manually assess each escape incident to ensure the correct data is reported through to the Productivity Commission.⁷⁷ Given there are so few escapes each year and a manual inspection occurs prior to reporting information through to the Productivity Commission, there appears to be little reason why TOMS is not upgraded to accurately reflect the policy change.

Reporting of attempted escapes

Analysis of the cases of attempted escape (38) indicated a considerable amount of over reporting of attempted escape incidents, especially by youth custodial staff who misclassified escape attempts when detainees were:

- ascending a roof (8);
- out of bounds (5); and
- talking about escape (3).

Roofs in custodial facilities are specifically designed to be at a distance from the external perimeter so the roof cannot be used to aid a person's escape. Eight roof ascents occurred between 2008 and 2014 where staff classified the incident as an attempted escape. These reports were removed from this review not simply because this Office has recently examined custodial roof ascent incidents at length⁷⁸ but also because an attempted escape from a detention centre should only be recorded where a person was attempting to breach the secure perimeter.⁷⁹ The secure perimeters of Banksia Hill Detention Centre and Rangeview Remand Centre (now decommissioned) are a

⁷⁵ Interview with Assistant Commissioner Custodial Operations and Manager Statewide Security (8 April 2014);

⁷⁶ ROGS defines an open prison as a custodial facility where the regime for managing prisoners does not require them to be confined by a secure perimeter physical barrier, irrespective of whether a physical barrier exists. In Western Australia the open prisons are Boronia Pre-release Centre, Broome Regional Prison, Eastern Goldfields Regional Prison, Wandoo Reintegration Facility and Karnet, Pardelup and Wooroloo prison farms. A secure facility is defined by ROGS as one where the regime for managing prisoners requires them to be confined by a secure perimeter physical barrier and includes all other prisons.

⁷⁷ Team Leader Statistics, Department of Corrective Services, phone call (27 March 2014)

⁷⁸ OICS, *Audit of Custodial Roof Ascents* (November 2012)

⁷⁹ DCS, *Youth Custodial Rule 109 – Minimum reporting Requirements Appendix 1 Categorisation of incidents in TOMS* (effective 30 June 2009 until 5 May 2014).

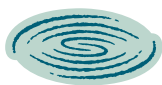
considerable distance from the roofs in those facilities, and roof ascents there have rarely been related to a desire to escape.⁸⁰

The reporting was also skewed by staff stating that detainees retrieving a ball from a no-go area, being out of bounds, talking about escape, or breaching their cell but not targeting the facility's perimeter were also escape attempts. While these incidents are important to document, they should not be recorded as attempted escapes unless there is sufficient evidence to satisfy this criteria. From the incident reports, this did not appear to be the case, and as such, the records were similarly removed from this review.

Finally, the riot which occurred at Banksia Hill in early 2013 was also removed. It was clear from the incident reports that one detainee during the riot was observed throwing a rock at the facility's perimeter. However, this was not a concerted attempt to breach the secure perimeter.⁸¹

⁸⁰ OICS, *Audit of Custodial Roof Ascents* (November 2012)

⁸¹ OICS, *Directed Review into an incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (August 2013)



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