

# The Inspector's Overview

## BUNBURY REGIONAL PRISON: PERFORMING WELL AND A PRISON WITH FURTHER POTENTIAL

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### TWO PRISONS, NOT ONE

Bunbury Regional Prison ('Bunbury') comprises two distinct facilities. They are jointly administered but perform different roles and on a day-to-day basis, function largely independently.

The older section ('the main prison') generally holds around 230 prisoners. It is predominantly a medium-security prison but also has a number of maximum-security cells, mainly to accommodate short term remand prisoners. Immediately adjacent to the main prison and the gatehouse, is 'Unit 5'. This is a minimum-security unit comprising 37 single cells. In 2009/2010, the Department of Corrective Services ('the Department') invested resources to upgrade Unit 5, but it only operated for six months after the upgrades, and has been unused for the past five years.

Standing quite separately from the main prison is the Pre-Release Unit ('PRU'). This opened in late 2008. It is a self-contained facility, surrounded by its own fence, and houses minimum-security prisoners who meet its selection criteria. With a design capacity of 72, it is very similar in size and concept to the Boronia Pre-release Centre for Women in Perth. Prisoners live in shared houses and must demonstrate personal responsibility and collaboration, catering for themselves, looking after their houses, and undertaking education or employment. The facility has its own entrance, reception, visits area, health centre, education centre and gym. Trustworthy prisoners who satisfy additional risk assessments are able to work outside the PRU itself. Some work in the large market gardens, some undertake supervised community work, and a handful undertake job-seeking activities or employment.

### GENERAL FINDINGS

Bunbury has faced some major challenges over the past twelve years. It has moved from a small prison with 120 prisoners that faced a real threat of closure to a 300 prisoner facility that is performing well, plays a critical role in the total prison system, and should have a vibrant future. A good deal has improved since 2011 and it is a well-performing prison.

Local management and staff working in all areas are providing a generally safe, therapeutic and productive environment. The prison enjoys positive staff/prisoner relations, and this contributes to both security and safety. There are good services across most areas, including the provision of health services and offender programs. The industries and garden areas are highly productive and provide a reasonable level of employment-relevant training.

Although Bunbury is performing well, this report has identified a number of areas for improvement with respect to prison conditions and services. One of these is staff morale / culture. Unfortunately, while staff should be positive about the prison and take pride in what they have achieved, they appeared conflicted and negative. Addressing these issues is a shared responsibility, one for staff themselves as well as for local and head office management.

### **'LIFERS' WHO ARE 'STUCK'**

I am very concerned at legislative gaps in the availability of 'Re-Socialisation Programs' ('RSPs') for life sentence and indeterminate sentence prisoners. The RSP allows prisoners whom the Prisoners Review Board and the Attorney General consider suitable, on advice from the Department, to be placed in minimum-security prisons. They are subject to a detailed individualised program which, if completed successfully, may lead to them being granted parole.

There is no guarantee that a person on an RSP will be released: its purpose is to provide a controlled 'testing ground' for assessing prisoners' attitudes, an opportunity for adjustment to a higher degree of freedom, and an incentive to good behaviour. For prisoners who have been in prison for a long time, it makes perfect sense to 'stage' their release in this way, rather than releasing them directly to parole from higher security prisons. However, 20 per cent of prisoners serving 'life' or 'indefinite' sentences in the state are not eligible for inclusion in an RSP on the technical ground that they were sentenced under a 1963 Act of Parliament and not a 2003 Act.<sup>i</sup> Almost half of these men are at Bunbury. They are generally the prisoners who have been longest in the system and who are in most need of structured re-socialisation programs.

The current situation makes no sense in terms of either public safety or equity of treatment for prisoners. It gives the Prisoners Review Board only two choices. It may release such prisoners without them undertaking an RSP, which it has done on occasion. Alternatively, they can leave them in higher security prisons, even though prisoners whom pose similar risks, and who have been sentenced more recently, are eligible for an RSP.

The issue was raised in our 2011 report on Bunbury. We were informed in late 2011 that amendments were to be drafted and in November 2014, the Attorney General advised Parliament that amendments are under consideration. I fully understand the need to ensure community safety, but properly run RSPs do exactly that. The issue has drifted for too long.

### **MANAGING THE PRU AND EVALUATING ITS OUTCOMES**

Until mid-2014, the PRU was required to hold 108 prisoners, meaning that half its rooms were 'doubled up'. During this time, some of its prisoners were not truly 'pre-release' but had more than 12 months still to serve. In other words, the PRU was operating as a long term minimum-security prison as well as a re-entry facility. Although it bedded in well, and developed many areas of excellent practice, the pressure of numbers and its prisoner mix compromised its ability to operate as a true pre-release facility.

I have consistently argued that the PRU should be allowed to concentrate on what it was designed to do, namely to provide targeted services to prepare people for release and reduce the risk that they will return to prison. This is not a case of being 'soft on prisoners' but an intelligent social and economic investment. In 2013-2014, across the system, it cost the state an average of \$334 per day, or almost \$122,000 a year to keep one person in prison.

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i See the annual reports of the Prisoners Review Board for 2012-2013 and 2013-2014, and [5.21]-[5.25] of this report.

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And the indirect and social costs of crime and incarceration are even greater. I therefore welcome the Department's decision in April 2014 to reduce PRU numbers to 72 true 'pre-release' prisoners. More generally, I strongly support the Department's focus on protecting the community by reducing recidivism contained in its 2015–2018 Strategic Plan.

However, I am not persuaded that the current management arrangements for the PRU will allow it to meet its full potential. In terms of its capacity and re-entry focus, it is similar in size to Boronia Pre-release Centre for Women and Wandoo Reintegration Facility for young men. There are also similarities with Pardelup Prison Farm. Boronia, Wandoo and Pardelup are all prisons in their own right, not adjuncts to other prisons. They all have their own budgets, performance requirements, management teams and staff. Wandoo, as it is privately operated, is subject to some particularly strong performance measures.

The PRU does have a Manager but it operates essentially as an adjunct to the main prison. This report recommends that it should be set up as a stand-alone facility; that in terms of head office management, it should be aligned with other minimum-security prisons; and that for as long as it remains an adjunct of the main prison, it should have a dedicated roster of staff. The Department has rejected all of these recommendations. I was not surprised by this but I was disappointed: I strongly believe the PRU will function better with a higher degree of financial and management autonomy and strong performance measures.

Outcomes are, however, more important than structures. I look forward to assessing in the future whether the PRU has cemented and developed its role. I also look forward to seeing evaluations of the performance of the PRU in comparison with Wandoo, Boronia, Pardelup and the main prison.

#### LOOKING AHEAD

Bunbury is operating well and has a solid track record as one of the more settled and better performing prisons in the state. As the state's population increases in the southern metropolitan corridor and in Bunbury, Rockingham, Mandurah and other south west towns, Bunbury offers an obvious site for potential expansion. I believe it is well-equipped to take on such a challenge and to provide high quality correctional services, and that it should be factored into DCS strategic asset planning for future expansion. That is one reason that I previously recommended the PRU as an option for female prisoners.

In the short term, consideration needs to be given to the potential uses of Unit 5. It is a good, albeit small, facility and it needs to be used. The potential options include conversion to use as a facility for aged or infirm prisoners, a cohort that will increase in number and which presents some very specific needs.

Neil Morgan

8 June 2015