

Inspector's Overview

HAKEA PRISON: RESILIENT UNDER PRESSURE BUT TOO MUCH CHANGE,
TOO MUCH CONFLICT, AND TOO MANY MISSED OPPORTUNITIES.

INTRODUCTION

In late July/early August 2015, the Office of the Inspector of Custodial Services conducted its sixth inspection of Hakea Prison, the metropolitan receiveal centre for men established in 2000. This latest inspection was conducted with all the rigour and energy of other inspections, with 10 in-house Inspectors and three co-opted experts on site over a 12-day period, pre-inspection surveys with staff and prisoners, consultation with service providers, meetings with various groups of staff and prisoners, discussions with managers, examination of myriad documentation, and analysis of data. Initial findings were shared with staff and management at an exit debrief in the hope that issues identified could be addressed at an early stage.

Our overall view is that there can be no doubt that Hakea is a prison under enormous stress and pressure. We see little on the horizon to suggest that this situation is likely to change anytime soon. The total prison population is rising at an alarming rate across the entire estate (an increase of 66% in total population over the past nine years) and the remand population is growing at almost double that rate (129% in the same period). Hakea is chronically full, having to pass on more remand and sentenced prisoners to other facilities, primarily Casuarina Prison, every week to make space for anticipated further court receivals. It is also crowded, with a large majority of cells designed for one but shared by two.

Hakea is also facing significant budget and resource pressures. Its operating budget for 2015/16 is just under 20 per cent less than the previous year's actual expenditure. Given that 75 per cent of the cost of operating the prison is found in staffing costs then the greatest opportunity to meet its operating budget must rest with finding savings and efficiencies in salaries and overtime. At the time of the inspection, management had been in discussion with the local branch of the WA Prison Officers' Union of Workers (WAPOU) for some time, seeking to obtain efficiencies in its staffing model. This effort has since been formally disputed and the industrial status quo been applied. This means not only the continuation for the time being of costly high staffing levels, but the disabling of efforts by the prison to contain its costs by applying an overtime reduction strategy.

This report sets out in detail our views and opinions on the sources of that stress and the impact that this pressure is having on both the day to day operations and strategic management of the prison, and also the safety and wellbeing of the prisoner population. While this inspection report contains many negative findings and matters requiring attention or improvement, the effective work undertaken by staff at Hakea to receive and manage a diverse group of people committed to custodial care cannot be overlooked. Some of these prisoners are very troubled, drug addicted, aggressive, or otherwise difficult to manage. For the most part people are treated with considerable skill and humanity. The prison operates as it does in large part due to the dedication and experience of its staff, from senior management right through to operational levels.

A MISSED OPPORTUNITY

As noted above, this inspection was a comprehensive exercise that examined evidence across the entire prison operation. Recommendations were crafted that addressed identified deficiencies or opportunities for improvement. As required by our legislation the draft report inclusive of our findings and recommendations was provided to the Department of Corrective Services on 23 December 2016. The purpose of this was to give the Department the right of reply. It was also an opportunity for the Department to challenge the evidence, dispute the logic of our analysis, or the basis for our findings and recommendations, and also to put forward a counter argument or fresh evidence; this was an opportunity the Department did not take-up.

A response is usually required within four weeks, but six weeks was allowed because of the holiday season. A further two week extension to 18 February 2016 was sought by the Department and granted, but the response was not forthcoming until 8 March 2016 [see Appendix 3].

We need not have waited for these 11 weeks. While all but three of the 29 recommendations were supported, none prompted specific time-framed action on the part of the Department. It was clear in many cases that the Department did not take seriously the findings of this inspection. For example, it was found that while newly received prisoners were assisted in making an initial call in reception, those unable to do so were often not assisted in completing that call when placed in a unit. In addressing Recommendation 2 concerning this finding, the Department supported the recommendation as an ‘existing departmental initiative’ and simply claimed it was current practice to follow up with such prisoners on placement in their unit. This completely ignored the fact that our evidence – not disputed by the Department – showed that this was just not happening. Having that first call home is a long standing and fundamental human right. There was similar disinterest in findings relating to prisoner rights to privacy (Recommendation 3), dignity (Recommendation 5), quality of contact with children (Recommendation 6), ability to prepare one’s legal defence (Recommendation 21), and religious expression (Recommendations 9 and 21).

A number of other recommendations were concerned with reducing various kinds of risk, including those relating to self-harm and suicide, health, safety, and security (Recommendations 2, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, and 27). The second inspection report on Hakea in 2004 was focused on deaths at Hakea; the Department of the day implemented a suicide prevention strategy which is still embedded in practice at Hakea and throughout the WA prison system. An important element in this strategy is the peer support system. We found that despite having over 280 Aboriginal prisoners at Hakea, and despite the known issues of suicide among young Aboriginal men, there was very little Aboriginal representation on the peer support team (indeed only one attended the peer support team meeting that was held during the on-site inspection) and none in either reception or orientation. This was addressed in Recommendation 17 to which the Department responded ‘it is important that prisoners want to fulfil the role, and is not simply placed into the role to increase diversity’. The recommendation had nothing to do with diversity; it was about the

obvious and well documented risks and vulnerabilities faced by Aboriginal prisoners, particularly on entry to prison. The Department's own *Reconciliation and Action Plan 2015–2018* includes as an action: 'Manage suicide and self-harm related risks in WA prisons and detention centre', which makes its response to this recommendation all the more unfathomable.

The need for appropriate interview facilities for prison counsellors who play an essential role in the At-Risk Management System for prisoners at risk of self and suicide was addressed in Recommendation 15, but unfortunately the Department deferred its consideration to a much broader reform project with no target date.

Prisoner health and welfare was at stake in recommendations relating to food (Recommendations 4 and 11), scheduling of medical appointments (Recommendation 10), disease control (Recommendation 12), and smoking reduction (Recommendation 13). Of significant interest was Recommendation 12 which addressed the risk of transmission of blood-borne viruses through sharing of needles and other sharp instruments used for drug use and tattoos, something that was also raised in the 2012 inspection. Due to the concentration of people in prison already infected by hepatitis C, the risk of transmission in prison from this practice is very high. And, as a result, so is the potential burden to individual and public health. Many in WA would consider a needle exchange for prisoners a step too far and we understand that prison staff have resisted the issuing of bleach as too risky. But bleach can now be issued in a safer tablet form and other less corrosive fluids are also available for cleaning needles, so we recommended that an effective agent be made available for the cleaning of sharps. Again, the Department was non-committal, promising only to 'continue to explore specific strategies to minimise the spread of blood-borne viruses'.

The Department's responses to these recommendations are almost exclusively concerned with inputs, that is whether the Department has defensible policies or processes in place, without regard to actual outcomes, for prisoners and staff on the ground. These responses suggest a concerning level of complacency about prisoners' rights, health, welfare, and safety.

Given our degree of concern regarding these responses we opted to give the Department further opportunity to respond to our recommendations. Two and half weeks later, we received additional commentary relating to three of this report's 29 recommendations [see Appendix 4].

LOOKING BACKWARDS, LOOKING FORWARD

Hakea Prison has had a difficult journey since the 2012 inspection when the Inspector noted that the prison had long suffered from a negative and divided workplace culture which needed to change. The key ingredients of that change included careful planning, a clear and shared sense of direction across management and staff, respectful relationships, strong local leadership, and appropriate direction and support from Head Office.

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There was initial optimism when a new management team was installed. By early 2013, security modifications in the two new units 11 and 12 were finally complete, but very soon afterwards, those units had to be used to accommodate youth from Banksia Hill for almost nine months following a riot at that facility on 23 January 2013. In the second half of 2013 and early 2014, asbestos works in six units and certain administrative units required whole units to be vacated and resettled. These events were very stressful for the prison and derailed the momentum for change brought by the new management team. 2014 was also a difficult year with the management team depleted through retirements and secondments out from Hakea. By early 2015 yet another management team was in place.

On 15 December 2014, the day that a critical report from this Office on Bandyup Women's Prison was released, the Minister of Corrective Services announced that Units 11 and 12 would be used to establish a 256-bed women's remand facility at Hakea Prison. Expressions of interest would be sought from both the public and private sectors to help develop and operate the facility. The Economic Regulation Authority had also been also been tasked in October 2014 to undertake an inquiry into options to improve the efficiency and performance of public and private prisons, and its early discussion papers and draft report proposed a commissioning model, potentially allowing further privatisation. Anxieties about privatisation and the future of Hakea were at the forefront in the minds of many staff at the time of the inspection.

During the 2015 inspection many staff members were very negative about their workplace, prison management, and the Department, telling us that things were the worst they had ever been. In written comments for the staff survey, the most stressful things for staff were management issues and issues relating to other staff. Prisoners barely rated a mention. Staff appeared unable to recognise the positives in their workplaces, or to express pride in their achievements. This was most unfortunate as most staff deserve credit and thanks. And the responses to the staff survey suggested that in fact there had been slight improvements in staff perceptions of their quality of working life and in confidence in management.

At the time of the inspection the new Superintendent was focused on a range of strategic imperatives and was only occasionally seen at large in the prison. Staff felt safer because he had made chemical agents more readily accessible to unit staff, but some were unhappy about changes to unit roster assignments and the imposition of what staff perceived as an unsafe recreation matrix. We considered that management visibility and communication needed improvement. There also needed to be more clarity, consistency, and collaboration with staff.

But staff also need to engage in a positive way with a willingness to help develop solutions and the grace to accept decisions of management properly made. Together staff and management need to develop a new culture of open communication, positivity, respect, and collaboration, with capacity to plan effectively, seek excellence, develop agility, and embrace change. This is imperative if Hakea is retain the confidence of the state of WA and be allowed to operate under current management and staffing arrangements.

PRISONER NUMBERS

The rise in prisoner numbers in WA has been unrelenting especially of those on remand. On 27 July 2015 as the inspection started, there were 5,530 prisoners (including 1,328 on remand) in WA of whom 908 were resident at Hakea. On 28 March 2016 as I write, there are 6,082 prisoners (including 1,790 on remand) of whom 935 are in Hakea. Hakea can no longer contain most male remandees. On 27 July 2015, there were already 205 remandees resident at Casuarina Prison. On 28 March 2016 there are 467 remandees at Casuarina Prison, swamping its sentenced prisoner cohort of 415. Spare capacity in the system is now almost entirely confined to special purpose accommodation reserved for prisoners on management regimes and work camps. The system will struggle to find short-term solutions other than installation of additional bunking in existing facilities. The opening of a new facility at Eastern Goldfields Regional Prison will bring only limited relief.

Unless major initiatives are taken to divert people from prisons, the need for commissioning a major new metropolitan facility for men is incontrovertible. As provided in our first recommendation, this should be a remand facility that embeds a regime based on the particular rights and needs of people who are as yet unconvicted of a crime, including accommodation requirements, welfare needs, safety concerns, visit requirements, official visits facilities, video link facilities, legal library resources, education, work, and recreation opportunities. If Hakea remains as a receiving and short-term remand facility, it must be allowed to downsize to design capacity (or much closer to design capacity), and undergo a significant modernisation.

In the meantime, the present report provides detailed findings and recommendations that deserve attention. Failing to address the issues – many of which involve little or no financial cost – will increase risks and will also reduce the capacity of Hakea, and the prison system as a whole, to achieve improved efficiencies and performance. Prisoners and their families deserve better. So do people working in that environment.

Eamon Ryan
Acting Inspector
30 March 2016