GOVERNMENT OF
WESTERN AUSTRALIA

OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION
OF ACACIA PRISON

104

JUNE 2016

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

Contents

THIS PAGE LEFT INTENTIONALLY BLANK

Inspector's Overview

ACACIA: A PRISON WITH A PROVEN TRACK RECORD AND SOLID FOUNDATIONS FOR THE FUTURE

Acacia Prison is situated in Wooroloo, 55 km from the Perth central business district. It is Australia's largest prison and the first in this state to have been privately-run. It houses sentenced male prisoners who are rated as medium-security (90% of its prisoners) or minimum-security.

From 2001 to June 2006 Acacia was operated by Australasian Integration Management Services ('AIMS'). After considering its options, including turning the prison over to public sector operation, the then Labor government re-tendered the contract and selected Serco. Serco has operated the prison since 2006 and was recently awarded a contract extension to run to 2021.

This report concludes that:

- Acacia has emerged successfully from a very difficult period and the contract extension was merited.
- The prison is on the cusp of a positive future provided that the momentum is maintained and the matters identified in this report are addressed.
- There is a high degree of accountability in relation to what is expected of Serco and what they are paid, but the Department of Corrective Services ('the Department') is not accountable for the overhead costs it incurs in relation to Acacia.

INSPECTION TIMING AND PROCESS

We are required to inspect prisons once every three years. As we inspected Acacia in late 2013, the next mandated review was late 2016. However, following the 2013 inspection I told all parties that I would be bringing it forward by 12 months for three reasons:

Performance and risk: in 2013, Acacia was in the midst of a huge, high risk expansion project that was generating both stress and risk. Although Serco had responded promptly to our concerns, and the Department's new leadership had implemented some overdue risk mitigation strategies, we could not wait three years to assess how the prison had managed the influx of an additional 400 prisoners.

Value for money: we wanted to assess whether the Department and Serco had intelligently maximised the opportunities presented by expansion. Put bluntly, had public money been well-invested and with an eye to future value for money.

Contract expiry: it was important to offer timely advice to the Minister and the Department of Corrective Services before Serco's contract expired in June 2016.

In mid-November 2015, I provided an 'exit debrief' at the prison, detailing our key findings. Serco staff, management, and corporate executives attended, as did the Commissioner for Corrective Services and his key personnel, and other service providers. Copies of the exit debrief were provided to the Standing Committee on Public Administration and to the Minister. The exit debrief summarised the situation as follows:

Acacia is well poised for its next era. Serco has worked well with [the Department of Corrective Services] to lay excellent foundations for a positive future, foundations that must now be built on. To Serco staff and management, it has been a difficult journey at times in the past three years: well done, be proud, and keep up the good work.

While we did identify areas requiring improvement or development, overall I considered that Serco had achieved all that could reasonably have been expected, and had been impressively innovative and responsive. However, I stressed that with only seven months to run on the contract, there was a very real risk that momentum and opportunity would be lost. Future contract arrangements needed to be finalised as soon as possible.

CONTRACT RENEWAL

In February 2016, it was announced that the government and Serco had negotiated a five year contract extension on revised terms. Our findings fully vindicate that decision. It means that barring some catastrophic event, Serco will continue to run the prison up to June 2021. At that time, the government of the day will need to decide whether to retest the market or to bring the prison into public operation.

The legislation governing the private operation of prisons embeds a three-way accountability and public assurance framework for Acacia. The government's job – through the Department – is to purchase services, to manage the contract, and to monitor the contractor's performance. The contractor's job is to provide the contracted services and to meet contracted Key Performance Indicators. The Inspector's job is to provide independent oversight of both the contractor and the Department, to report to Parliament, and to provide ongoing advice to Ministers and Commissioners.

The government-contractor-inspector framework is strong and has undoubtedly been a significant factor in Acacia's long-term success. It worked appropriately and well in relation to the decision to renegotiate and renew this contract. The main negotiations took place after our November inspection and were matters for the government and the contractor, not us. However, the inspection findings and follow-up advice to the Minister provided assistance and assurance to government. The public should also draw confidence from this process.

THE PRISON AND ITS PRISONERS

The number of prisoners at Acacia grew by 387 from January to March 2015. As significant numbers of prisoners leave Acacia each month (either to release or on transfer to other prisons) this required Acacia to integrate more than 700 new admissions over the three months. This was a very high risk exercise and Serco and the Department (especially Serco, who carried both the daily and reputational risk) are to be commended for ensuring such an impressively safe and timely 'fill'. The result was that Acacia's new accommodation units came on line much faster and much more smoothly than at other prisons [see Chapter 1].

Importantly, the Department and Serco had engaged intelligently and productively when planning for the expansion started in 2010–2011. On viewing the Department's original plans, Serco provided advice as to how they believed the money could be better spent and, to its credit, the Department was receptive to this. This collaboration was good practice, resulting in the much more effective development of a valuable state asset [see Chapter 1].

In mid-2014, Acacia experienced its first escape. It should not have happened, but escapes do occur occasionally from public as well as private prisons. Most importantly, lessons have been learned and weaknesses addressed, with security improving markedly since 2013. Staff and management also deserve credit for continuing to operate a close-to-normal regime without other serious incidents over such a lengthy period [see Chapter 2]. Intelligence gathering and emergency management had improved, and staff had embraced changes that have met resistance at other prisons, including the use of body cameras in high risk areas. There are opportunities for system-wide learning.

Most of the state's prisons hold far more prisoners than they were designed for, as a result of double-bunking existing cells and adding extra accommodation units. But only Acacia has grasped the opportunity to target the needs of different cohorts of prisoners by establishing different 'communities' within the prison. This is something we have long advocated to ensure that resources better target need.

Acacia's communities include young offenders, 'lifers', and protection prisoners. At the time of the inspection, the foundations for these communities had been laid, but they were in the very early stages of development: it is now time for Serco to deliver on their potential [see Chapter 3]. It is also an area that is ripe for developing more robust performance measures (Recommendation 1). Again, there are huge opportunities for system-wide learning.

Despite having been through so much change, staff were generally positive, professional, and resilient. As a result, most areas of the prison were functioning well, with opportunities for further improvement now that the new contract has given Serco some degree of certainty.

We did have some areas of concern, however. One related to management communication and engagement [see Chapter 9]. Poor communication on human resources issues had been compounded by the prison having had three Directors, each with their own unique management and communication styles, in a short period. The succession process – in which the Department as well as Serco were involved – was clumsy and confusing at best. Fortunately, the appointment of a highly-credentialed new Director (starting late May 2016) gives ground for optimism.

Our other main concern related to medical services. Both the level of services provided by the health centre and the culture of the centre had declined markedly since 2010 [see Chapter 6]. Serco accepted there were issues and has established its own independent review of health services. This should provide a basis for Serco to improve the areas for which it is responsible.

However, Serco and the Department need to jointly resolve the issue of mental health services. They have both supported our finding that additional mental health services are required (Recommendation 14), but disagree as to whose responsibility it is. Serco say that under a memorandum of understanding (MoU) between the Department of Corrective Services and the Department of Health, it is a matter for these public sector Departments. The MoU covers the provision of psychiatric services to 'any state prison

(including private prisons)' and is therefore open to this interpretation. However, the Department's response to us claims that staffing mental health services is solely a matter for Serco. It is not for me to resolve this disagreement but it must not continue to compromise the duties of care that the state, as well as Serco, owe to Acacia prisoners and staff.

ACCOUNTING FOR PUBLIC MONEY AND UNDERSTANDING COSTS

Direct and indirect costs

The amount that is paid to Serco for operating Acacia is specified in the contract and can be accurately determined. Further, if Serco fail to meet the requirements of the contract it will be subject to financial penalties, about which the Department reports publicly each year.

However, the total cost of running Acacia also includes two sets of 'indirect' costs over and above the prison services contract. The first is the maintenance contract which is held by a different company, Sodexo. Again, this is easily quantifiable. The other critical element is what the Department itself spends in providing contractual oversight and a range of central services to the prison. This remains a mystery.

Disparate cost estimates

For 15 years, we and many others inside and outside Parliament have been asking the Department to provide a robust estimate of its overheads. For 15 years it has agreed that this is a very reasonable and important question (Hansard, 2015; ERA, 2015; OICS, 2003; OICS, 2011).

The Department and its predecessors have never been able to provide an adequate or consistent methodology or figure and, as a result, wildly different estimates have emerged over the years [see Chapter 1]:

- From 2003 to 2010 we were told the indirect costs were 30 per cent of the contractors' fee. This appeared an overestimate, but at least it left little doubt that everything was included.

- In 2013–2014, the Department's new leadership slashed its estimate to 15 per cent (and then revised it down again to 13%). This seemed too low, and involved a worrying discrepancy of $7-8 million dollars a year from previous estimates (OICS, 2014a).

- In 2014–2015, the Department provided yet another estimate to the Economic Regulation Authority (ERA) of around 11 per cent. Both we and the ERA believed this figure could not be supported and was probably under-stated (ERA, 2015).

- The February 2016 contract renewal announcement suggested that indirect costs are now estimated as 19.5 per cent.

I cannot explain these differences. To date, neither has the Department.

Breach of public sector expectations of agencies

The report of the 2013 inspection called on the Department to provide in its annual

reports on Acacia a 'robust estimate of the costs it incurs in relation to Acacia Prison and an explanation of how those costs are calculated.' It agreed to do this but has yet again failed to deliver.

Our 2015–2016 requests for information have met with a range of responses. Some were embarrassed and apologetic, and some have said it is not a departmental priority given its other serious financial management issues. It has even been suggested that we should take on the job. But the Public Sector Commission requires Departments to do their own accurate costings:

> [Agencies are required to] accurately determine the cost of their services. Determining the full cost of services enhances:
>
> • Resource allocation within agencies;
>
> • Decision-making by Ministers concerning policy options;
>
> • The ability of government to allocate resources through the budget process;
>
> • Setting appropriate prices for agencies where government has decided to recover costs; and
>
> • Benchmarking (where appropriate) with the private sector or with agencies in other jurisdictions. (PSC, 2009-2012)

The Department's long-standing failure to collect, record and share basic information is not just an irritant: it is something that undermines accountability and credibility, especially in an environment where the focus is contestability and benchmarking (ERA, 2015).

In response to Recommendation 2 of this report, the Department has said that the Department of Treasury 'in cooperation with' Corrective Services is developing a 'cost and demand model for the provision of correctional services … to provide robust performance information and … to inform the budget process.' I welcome their involvement if it leads to improved accountability and confidence but note that the Department does not make any commitment to improved public reporting.

RISKS OF LOWER PER CAPITA COSTS IN NEW CONTRACT

The headline to the contract renewal announcement in February 2016 was that the amount to be paid to Serco on a per prisoner per day basis will drop by eight per cent, from $156 to $144 (Francis, 2016; Parker, 2016). The total contract value will increase to $77 million a year. The total cost per prisoner per day, including departmental overheads, was put at $172 per prisoner per day. This means that the Department now estimates the total cost to be almost 20 per cent over what Serco will be paid, an amount of over $15 million annually. This has been the fifth estimate in six years and more than we or the ERA were told in 2014–2015 [see p. viii].

Serco has made some profit from Acacia, but it has also delivered an efficient service over the years, including lower staffing levels than most prisons. I therefore sought their advice as to the feasibility and operational risks of the reduced per capita fee. From these

discussions it is clear that the drop will generate pressures, but Serco do have a very strong sense of what is required and a proven capacity for innovation. Importantly, they have also demonstrated a strong professional commitment to the prison that has certainly not been driven by profit alone. We will continue to monitor the impact of the per capita cut.

COSTS OF ACACIA AND OTHER PRISONS

Acacia costs a good deal less per prisoner than the average across all the state prisons ($332 per day). However, generalised comparisons with the public sector average are very misleading because Acacia enjoys significant benefits:

- It is large, bringing economies of scale.
- It is modern, with a better design, better facilities, and better technology than most prisons.
- It is not a regional prison.
- It performs a specific role as a prison for medium-security sentenced male prisoners. It does not house remand prisoners who cost more per day (OICS, 2015). Nor does it hold maximum-security prisoners or female prisoners who incur, on average, greater expenditure (ERA, 2015).

It follows that the true cost differences can only be understood if (a) the Department can properly account for its costs; and (b) if comparisons between prisons factor in matters such as location, size, infrastructure, and functions. While the 'paper' gap between Acacia and the total system cost may be $160 per day, the 'real' gap is less.

LOOKING AHEAD: 2018 AND 2021

Increased prisoner numbers and the reduced per capita fee will create real pressures on Acacia's services and infrastructure. Overall, however, I am pleased with progress at the prison over the past two and a half years and confident that, if momentum is maintained, it can cement its place again as one of the state's, and Australia's, best prisons.

Importantly, Serco have engaged intelligently and innovatively with the Department and ourselves over time. This responsiveness has served Serco well to date and augurs well for the future. Their responses to the report illustrate the point. They fully accept that issues need to be addressed and treat the inspection as an opportunity for improvement, not an annoyance. They have also provided detailed action plans not vague promises, and have already actioned many of these plans. This compares very positively with recent public sector responses.

Unless it becomes necessary to undertake an earlier inspection, the next one will be conducted in the second half of 2018. This is ideal timing for two reasons. First, from the prison's perspective, it gives Serco time consolidate operations at the expanded prison and to embed its new communities.

Secondly, the government does not have the option of extending the existing contract again. The contract was first entered in 2006 with a maximum lifespan of fifteen years (an initial period of five years with options for two five year renewals). That time expires

in 2021, so 2018 is the midway point - a critical time for effective future planning.

Acacia has undoubtedly been a success in its fifteen years of operation, albeit with some fluctuations in performance at different times. However, in my view it would be wrong if political preference for one form of service delivery – public or private – was to dominate over an objective assessment of Acacia's performance and potential, including the critical issue of reducing recidivism. I hope that the public sector will therefore be invited to bid against potential private sector operators to operating the prison from 2021.

'Contestability' of this sort would clearly be in the public interest. But the public can only have confidence in contestability if the Department is able and willing to publish far more transparent, reliable, and consistent information than it has done to date.

Neil Morgan
Inspector
4 June 2016

Fact Page

NAME OF FACILITY
Acacia Prison

ROLE OF FACILITY
Medium-security prison for adult males.

LOCATION
Wooroloo, 55 kilometres east of Perth.

The traditional owners of the land are the Noongar people.

BRIEF HISTORY
Acacia Prison opened in May 2001. The facility is owned by the Department of Corrective Services and the operation of the prison has been contracted to the private company, Serco. It is one of two privately operated prisons in Western Australia.

INSPECTION DATES
4–18 November 2015

DESIGN CAPACITY
1,169

DOUBLE-BUNKED CAPACITY
1,395

NUMBER OF PRISONERS HELD AT TIME OF INSPECTION
1,381

RESIDENTIAL UNITS – PURPOSES AND CAPACITIES

Unit Name	Purpose	Design Capacity	Operational Capacity
Foxtrot	Assisted Care	33	33
India	Induction	95	150
Juliet	Protection	95	128
Kilo	Mainstream	130	176
Lima	Mainstream	130	176
Mike	Mainstream	130	176
November	Self-Care	336	336
Uniform	Young Adults	220	220

List of Recommendations

Recommendation 1:
Ensure the Acacia prison services contract includes performance measures linked to achieving specified outcomes, including reducing reoffending.

Recommendation 2:
Ensure the Department has sufficient financial management capability to develop and publically report on robust performance and cost models for the prison system.

Recommendation 3:
The Department should introduce wearable cameras in high-risk areas of maximum and medium security prisons throughout the state.

Recommendation 4:
The Department and Serco should examine the feasibility of making Acacia's Correctional Emergency Response Team available to respond immediately to emergencies at Wooroloo Prison Farm.

Recommendation 5:
Serco to commit to fully implementing the lifers' strategy and cease the cross deployment of the Lifers' Liaison Officers.

Recommendation 6:
Serco ensure there are enough meaningful constructive and rehabilitative activities available within the Young Adults' Community.

Recommendation 7:
(a) Implement a more equitable regime that provides protection prisoners access to the full range of services available to other prisoners, and (b) Implement a suitable strategy that addresses the intimidation, abuse, or acts of malice towards protection prisoners from other prisoners living in the protection unit.

Recommendation 8:
The Department to examine appropriate options within the prison estate to establish specialised prisoner communities to optimise service delivery and application of resources.

Recommendation 9:
Complimentary to the 24-hour hotline, the Department increase the amount of face-to-face contact by the Aboriginal Visitor Service at Acacia to meet the expected outcomes of the Department's *Reconciliation Action Plan*.

Recommendation 10:
Ensure prisoners have full access to recreation options as scheduled.

Recommendation 11:
Serco should significantly increase prisoner access to Skype to facilitate family and community contact.

Recommendation 12:
Increase the number of staff permanently stationed in the Detention Unit, and protect these positions from being cross deployed to other areas of the prison.

Recommendation 13:
(a) Ensure Acacia's new strategy to minimise prisoner violence and bullying is fully implemented, (b) the strategy is reviewed to measure its effectiveness and impact on violent incidents and prisoner safety, and (c) if favourably reviewed, the Department implement similar strategies to address prisoner bullying and violence.

Recommendation 14:
Significantly increase psychiatric services at Acacia.

Recommendation 15:
Provide more support and interventions for prisoners struggling with drug and alcohol addictions.

Recommendation 16:
Trial initiatives to reduce the risks of blood-borne viruses at Acacia, with a view to system-wide improvements.

Recommendation 17:
Serco to review health services at Acacia, and implement measures to improve efficiencies, effectiveness, and staff morale in the health centre.

Recommendation 18:
The Department and Serco work cooperatively to develop new interventions and offender programs that are suitable for Aboriginal prisoners, particularly those who are out of country or whose first language is not English.

Recommendation 19:
Adjust the Re-Entry Link contract to ensure enough resources are provided to meet the demand for re-entry services at Acacia.

Recommendation 20:
Improve communication between Acacia staff and Acacia management as a matter of priority.

Recommendation 21:
Serco introduce an Aboriginal recruitment and employment strategy that is suitable to the cultural needs of Aboriginal staff.

Chapter 1

ACACIA

1.1   Acacia Prison ('Acacia') is located in the suburb of Wooroloo 55 kilometres east of Perth. It is Australia's largest prison, with the capacity to hold 1,395 male medium-security prisoners. The prison is a state-owned asset of the Department of Corrective Services ('the Department'), who retains ultimate responsibility for the prisoners at Acacia. The prison services are managed by the private company Serco Australia ('Serco') and the prison infrastructure is maintained by Sodexo Australia Pty Ltd ('Sodexo').

HISTORY

1.2   Acacia Prison opened in 2001 and was Western Australia's first privately managed prison. When first opened, Acacia's services were managed by Australasian Integration Management Services ('AIMS'). During Acacia's initial years, the then-Inspector of Custodial Services found that AIMS was performing reasonably well and meeting contractual requirements, however, the prison was suffering from staffing issues which were impacting on service delivery. This, coupled with political pressure surrounding the prisoner transport contract also managed by AIMS, influenced the government to not renew the AIMS contract. The government tested the market and sought bids from the private sector. The public sector was not invited to bid. In 2006 Serco successfully won the bid to provide services for Acacia.

1.3   The government's contract with Serco was for an initial period of five years, with options for two five year contract renewals, meaning that the contract could last up to 15 years. Our 2010 inspection was conducted towards the end of the first five-year period and our findings were very positive. Acacia was performing at a higher standard than previously observed and Serco had built on its strengths and addressed many of the deficits identified during the 2007 inspection (OICS, 2011).

1.4   In 2011, the government had the opportunity to roll over the services contract to Serco or to retest the market. Retesting the market through a tender process is good practice and may identify other providers who could offer better value for money and a better service. However, it can also be a complicated, time-consuming, and costly exercise that presents significant risk, as a new provider may ultimately perform worse than the current operator. The Department undertook an internal exercise to review and compare Serco's deliverables against possible alternatives. The results of this review, coupled with Serco delivering such high standards of service, led to the government's decision not retest the market and instead offered Serco a five-year contract extension until May 2016.

1.5   In 2015, Serco was approaching the end of its second five-year period and the government was again presented with the option to renew the contract for a further five-year term (or part thereof), or of putting the operations of Acacia back out to tender. The timing of the contract potentially expiring influenced our decision to schedule our inspection at the end of 2015. This Office is required to inspect every prison in the state at least once every three years, so under a normal cycle, the Acacia inspection would have been scheduled for November 2016. This inspection was conducted between 4 November 2015 – 18 November 2015, six months ahead of the contract expiry, to provide some independent feedback to the Department and the Minister before a decision was made to retest the

market or renew the contract, and the appropriate duration of any contract renewal. These dates were also chosen so we could assess the progress of the 387 bed expansion that was completed in the first half of 2015.

1.6   At the time of the inspection, the Department was not willing to discuss with us its plans for the future of Acacia. With only six months until the contract expired, it was almost impossible for a retender to be properly conducted and for a new operator take over by the roll over date in May 2016. A robust tendering process of this scale takes careful planning and evaluation, both of which take time. At the time of the inspection, some form of contract extension with Serco seemed inevitable, even if only for a short interim period while retendering took place.

1.7   Not long after the inspection, in February 2016, the Government announced that the contract for the management of Acacia had been renegotiated with Serco for a further period of five years. It was a welcome decision as it will provide certainty for the management and staff of the prison and consistency for the prisoner population. The decision will allow Serco and the Department to focus on the future and build on opportunities to address the complex needs of prisoners who are placed there.

2015 INSPECTION METHODOLOGY

1.8   This was the sixth inspection of Acacia Prison. Due to the prison's size and complexity, and the level of public interest in the State's first privately operated prison, we have inspected Acacia on average every two years (we are only required to inspect each prison every three years). Between inspections, we made regular liaison visits to Acacia to review the prison's progress against past recommendations and to identify risks areas in the lead up to this inspection. From these visits, we identified four key inspection themes:

- Reviewing the contract variables including value for money, contract shortfalls, performance measures, the maintenance contract, and assessing both Serco and the Department's preparedness for potential contract expiry.

- Assessing if the supplementary services, such as medical, recreation, employment, case management, re-entry, and education, were sufficiently meeting the demands of the increased prisoner population.

- Evaluating the strengths and weaknesses of the Young Adults' Community and if the unit was meeting its desired outcomes.

- Reviewing and assessing if the current monitoring arrangements suit the level of service and risk at Acacia.

1.9   In the lead up to the inspection, we conducted anonymous staff and prisoner surveys. Overall, 208 staff members (45% of all staff at Acacia) responded to the online survey, which contained questions about human resources, quality of working environment, prison operations, safety and security, policies and processes, and training. A random cross-section of prisoners were surveyed face-to-face over a period of four days. In total, 524 prisoners (38% of the prisoner population) completed a survey about prison conditions, daily activities, health services, family contact, safety, and staffing.

Throughout this report we have compared the results from both the prisoner and staff surveys to the 2013 pre-inspection surveys for Acacia, as well as state averages compiled from the latest rounds of pre-inspection surveys from around the state.

1.10 Prior to the inspection, representatives from Acacia's Senior Management Team and the Department's Contracted Services team presented to our Office about their respective areas of responsibility. Both Serco and the Department were also invited to provide written submissions containing an assessment of Acacia's strengths and weaknesses and detailed information outlining how each department had addressed the recommendations made in the previous inspection report. Serco provided a comprehensive written submission detailing its achievements and a detailed self-assessment of areas that could be improved. The Commissioner for Corrective Services declined our invitation to provide a written submission, as the Department was reviewing options for potential re-tender or renegotiation of the Acacia contract and did not want to inadvertently reveal any contractual intentions through their formal response.

1.11 During the inspection, we facilitated focus groups with Acacia management, Sodexo representatives, custodial and non-custodial staff, and various prisoner groups. We also conducted one-on-one interviews with various members of staff. We visited all areas of the prison and spoke with both staff and prisoners living and working in these areas. We held a meeting with external service providers and requested submissions from local community representatives. At the end of our inspection, an exit debrief was delivered to staff and prisoners detailing our initial findings.

THE EXPANSION

1.12 Two years ago during the 2013 inspection, Acacia was in the midst of a $126 million expansion to deliver an additional 387 beds. The scale, impact, and risks of the expansion could not be under-estimated. The project was equivalent to building a prison within a large, fully operational prison and was on a different scale to other infrastructure projects conducted previously at Casuarina and Hakea Prisons. Multiple parties were involved, including the Strategic Projects division of the Western Australia Department of Treasury, the building contractors Doric, the prison's maintenance contractor Sodexo, Serco, and the Department of Corrective Services. The build was so significant that it was consuming the focus of the Acacia management team, an issue that was rectified immediately after that inspection. Other risks that we identified in 2013 were also addressed immediately after our inspection.

1.13 There was mature and positive collaboration between the Department and Serco about what to build. Although there were some specific issues relating to the project, the overall result is very impressive. As well as increasing self-care and non-self-care accommodation, additional supporting infrastructure was constructed including a new gas farm, upgrades to the waste water treatment plant, a new vocational training facility, education facility, external warehouse, protection precinct and hospitality training kitchen, expansion of industry workshops and the gymnasium, and more car parking bays. The medical centre and gatehouse were upgraded later. The finished product provides an appropriate balance

between accommodation and supporting infrastructure while ensuring that the open 'feel' of the prison remained, including vision to the horizon.

1.14 The initial building phase was completed in August 2014, and the Department handed the buildings to Serco for commissioning in November 2014. Serco only had access to the new infrastructure for a few weeks, before new prisoners arrived in January 2015. In this short period of time, Serco conducted a range of operational tests, including those for cell removals, fire evacuation, and major incident management.

THE 'FILL'

1.15 Before Acacia accepted more prisoners, significant internal prisoner movements were required. Acacia already accommodated 128 protection prisoners, who were housed in an accommodation block separate from mainstream prisoners. The Department advised Serco that the number of prisoners requiring protection was going to increase as part of the 'fill'. So in preparation, Serco cleared out another mainstream accommodation block adjacent to the protection unit to make extra space for the incoming protection prisoners. The Department then changed its plans and advised Serco that the additional protection prisoners would no longer be sent to Acacia, so Serco had to move the mainstream prisoners back into the cleared out accommodation block. At the same time Serco also reorganised other existing prisoner placements around the prison to ensure that prisoners were accommodated in blocks that best supported their needs. This was an enormous job that carried significant risks, and Serco managed it without incident.

1.16 The first wave of new prisoners was transferred to Acacia in January 2015. On top of the additional 387 beds that needed filling, Acacia also had to fill beds that were left by prisoners being released or transferred to other facilities. In total, Acacia received more than 700 new admissions in just three months. At the same time an additional 120 staff commenced working at Acacia, bringing the total staffing numbers to 450. This was an enormous logistical and human challenge that carried very significant risks. It was completed by mid–April 2015. Both Serco and the Department should be commended for an impressively timely, smooth, and safe fill.

THE NEW PRISONERS

1.17 The Department was responsible for selecting which prisoners would to be transferred to 'fill' Acacia. The Acacia Services Agreement is designed to pay Serco a specified monthly amount depending on the prisoner population (Acacia Prison Services Agreement, 2006). The payments are calculated in bands. For example, the Department will pay Serco a set amount if the daily average population for the month is between 976–1,000 prisoners. For the state to receive best value for money, it is therefore in the state's best interest to keep prisoners numbers as close as possible to the top of a band, in this example 1,000. The expansion meant introducing new bands and accompanying payments, however, the same theory still applied. The state needed to keep Acacia as full as possible to receive best value for money.

1.18 We questioned the Department through an Independent Visitor report about what criteria was used when selecting prisoners for transfer. The Department advised that prisoners were selected 'in accordance with their security rating, association alerts, programs and educational needs, and the needs of the prison estate'. It did not appear that the Department took into account the personal needs of individual prisoners, or their family or spiritual connections to their home regions. These fundamentals are not only important drivers of prisoner rehabilitation but the decision to transfer a prisoner who has strong, personal connections to their local prison could also be detrimental to the personal safety of the prisoner and security of the receiving prison.

1.19 In February 2015, three young prisoners who had been transferred from a regional prison to 'fill' the Acacia beds, ascended the roof of an internal building and demanded to be transferred back to their home region. After some negotiating the prisoners eventually descended from the roof unharmed. They were not granted a transfer back to their home prison. A review into the prisoners' backgrounds revealed each of the prisoners had strong, individual, personal reasons for wanting to be moved back to their local prison. However, as mentioned above, it did not appear that individual circumstances were incorporated into the initial risk assessment for Acacia transfers. Unfortunately, not long after this roof ascent incident, one of prisoners took his own life. While we do not suggest the transfer was a direct cause of this tragedy, the transfer had obviously caused some distress to a person already struggling with personal difficulties, which do not seemed to have been taken into account when deciding on his transfer.

1.20 The Department seemed to share our concerns about the risks involved with high number of inter-prison transfers, especially of Aboriginal prisoners from the regions. In December 2015 the Department introduced a new assessment process to measure the risk of self-harm among prisoners scheduled for inter-prison transfers. The new assessment meant that prisoners being transferred between prisons would be assessed in relation to their risk of self-harm, and if necessary be managed in accordance with the Department's self-harm policy. A multidisciplinary case conference may be held to consider the reasons for transfer, explore suitable alternatives, review the prisoner's attitudes towards the transfer, assess the likelihood and impact of change to prisoner's social contact, and measure the anticipated risks associated with the transfer. A transfer plan may be developed to reduce any risk of self-harm. We will wait to see if the new rules achieve better and safer outcomes, especially for Aboriginal women and men in the regions.

1.21 Once Acacia had reached capacity, the prison moved into a 'settling' period. During this time, our Office received a high number of prisoner complaints, mostly from prisoners who had been transferred to Acacia from other prisons. Many of the complaints were about property that was lost in transit, while others were questioning why they were moved to a prison away from their families. These complaints settled in the second and third quarter of 2015.

1.22 By the time of the inspection in November 2015, the prison had been operating at maximum capacity for seven months. The 12 month defect period for the new buildings had expired and modification works could be done on the new buildings. Upgrades to

the health centre were complete and the gatehouse was almost finished. The prisoners were settled, a full complement of staff were on board, and new routines were bedded in.

THE ACACIA PRISON SERVICES CONTRACT

1.23 The Acacia Prison Services Agreement ('the Agreement') is currently worth around $63.5 million per year. A team within the Department is responsible for overseeing contract implementation, negotiation and dispute resolution, administering incentives and penalties, reviewing and deciding upon contract payments, and managing the contract according to a comprehensive contract management framework.

1.24 The Agreement contains incentives for good performance as well as disincentives for poor prison management. The main incentive for good performance, other than safeguarding the prospect of future business with the government, is the suite of performance linked fees within the contract. These fees are worth five per cent of the contract value and are payable to Serco if it meets operational targets. The disincentives include financial penalties as well as potential reputational loss for Serco.

1.25 In 2014–2015 Serco performed well against its performance measures, achieving 98.1 per cent of the fee available. Just prior to our inspection commencing, the Department and Serco renegotiated and updated the performance measures for 2015–2016. Some of the performance measures were adjusted to increase in line with population increases while others were made more challenging for Serco to achieve. Disappointingly, some of the new performance measures appeared to be output based rather than outcome based, meaning that Serco would be assessed based on the number of items produced rather than measuring the impact of such items. For example, the measure '[A]t least 70 per cent of prisoners released from Acacia to freedom provided with a transition plan' only requires a document to be produced, and does not require the transition plan to be actioned, nor does it require the plan to be produced to a particular quality. This means that some measures may be less effective than others.

1.26 A department focused on reducing recidivism and a prison focused on prisoner re-entry must do better than output based performance measures. A number of prison contracts in the United Kingdom and in New Zealand have developed outcome measures that require contractors to provide evidence that they are impacting on recidivism, and it is time for such measures to be developed in Western Australia. This would give more concrete meaning to the Department's Strategic Plan 2015–2018, *Creating Value through Performance* (DCS, 2015a), and Serco, which holds some of the overseas contracts, has told us they are very interested in developing similar measures here.

> *Recommendation 1:*
> *Ensure the Acacia prison services contract includes performance measures linked to achieving specified outcomes, including reducing reoffending.*

1.27 The table below outlines the old and new performance measures and the minimum targets for each measure.

Old Performance Measures – to 2014–2015	New Performance Measures – from 2015–2016
There are less than 15 serious assaults.	There are less than 19 serious assaults.
Less than 15 prisoners commit an act of serious self-harm.	Less than 19 prisoners who commit an act of serious self-harm.
At least 90 per cent of incident reports are completed accurately in accordance with requirements.	At least 80 per cent of incident reports are completed in accordance with the Department's requirements.
13 (or less) per cent of random urine sample tests identify a positive result.	12 (or less) per cent of random urine tests identify a positive result.
At least 90 per cent of prisoners who provide a positive urine sample are offered support within one week of being found guilty of testing positive to an illicit substance.	At least 70 per cent of prisoners who test positive to an illicit substance twice or more in a year are provided with a support and treatment plan within one month.
90 or more per cent of prisoners' sentence planning documents are reviewed in accordance with their scheduled review date.	90 or more per cent of prisoners' sentence planning documents are reviewed and approved as per Department requirements.
At least 90 per cent of prisoners approved program requirements are delivered as scheduled.	At least 80 per cent agreed program positions are filled.
	At least 90 per cent of agreed program treatment reports are finished within four weeks of the program completion.
At least 90 per cent of prisoners employed compared to the number of employment positions available.	At least 80 per cent of primary activity positions are filled.
At least 90 per cent of prisoners engaged in Adult Basic Education after receiving 'C' or 'D' scores on their post-sentencing literacy assessment after sentencing.	At least 65 per cent of prisoners assessed with low literacy scores commence Adult Basic Education within three months.
At least 90 per cent of prisoner traineeships are filled.	
At least 90 per cent of prisoners diagnosed with chronic disease, substance dependency, or mental health issues are provided with a relevant medical discharge plan prior to release.	At least 70 per cent of prisoners released from Acacia to freedom provided with a transition plan.
All prisoners identified at-risk are managed by the Prisoner At-Risk Group in accordance with the Department's At Risk Management System Manual.	At least 90 per cent of prisoners identified as at-risk managed as per the Department's At Risk Management System Manual.
	At least 90 per cent of custodial officers meet minimum training and qualification requirements.

Table 1: Acacia Services Contract – Updated Performance Measures

1.28 Under the Agreement, the Department can also penalise Serco for poor performance. In the two years since our last inspection, the Department issued six Performance Improvement Requests for:

• failing to review the behaviour and confinement of prisoners who had been placed in

the Detention Unit

- failing to correctly manage and check on at-risk prisoners
- failing to accurately report all incidents
- failing to lock doors in the prison
- failing to securely manage handcuffs and handcuff keys

1.29 The Department can issue financial abatements if certain 'Specified Events' occur or if Serco does not adequately improve after a Performance Improvement Request. Abatements can also be issued for:

- an escape ($100,000)
- a loss of control ($100,000)
- a death in custody other than from natural causes ($100,000)
- a failure to report to the Department when required, or reporting misleading information (up to $20,000)

1.30 In the three years since the last inspection, the Department issued Serco with six abatements totalling $234,035 at Acacia. The abatements were related to:

- failing to better manage at-risk prisoners after receiving Performance Improvements Requests
- failing to secure handcuffs after receiving Performance Improvements Requests
- the escape of a prisoner
- failing to correctly report to the Department after the escape of a prisoner

Innovation

1.31 The Agreement offers Serco a discretionary payment of up to $250,000 each year as an innovation bonus. Serco can apply for the bonus by proposing an innovation that goes beyond the contract requirements and that can be transferable across other state prisons. The most recent innovation bonus was awarded to Serco for a touch screen prisoner communication system known as the Custodial Management System (CMS). The Department never transferred this innovation to the public system. In the last two years Serco applied for the innovation bonus on three occasions, but the Department did not accept any of the applications. With the Department having less money to spend in the future, there is a question about whether the innovation bonus contract clause is redundant.

Contract Monitoring

1.32 Separate to the contract management team, there is a team in the Department that spends time on site at Acacia monitoring Serco's contract compliance. When we last inspected Acacia two years ago, the monitoring team had undergone changes – there were fewer monitors on site and a risk based plan for monitoring activities had only just been introduced. Since then, the monitoring team changed again – the team separated from the contract management team and the size of the team reduced even further. The team was without a substantive manager for some time, and were spending a proportion of time observing processes at Acacia, rather than performing the risk based tests detailed in the Site Monitoring Plan.

1.33 Despite the shrinking size of monitoring team, they had been given additional responsibilities. Its remit had been expanded from the relatively narrow-focused private prison and custodial contracts, to look at all operations of the Department, including public prisons. The expanded scope of monitoring of public prisons is a positive step, as it ensures that state managed prisons are also held accountable for incidents and failures.

1.34 At the time of our Acacia inspection, the Acting Manager of the monitoring team acknowledged that the monitoring area needed to develop a more detailed work plan, including an analysis of the required resources. He also agreed that the planning, rigour, and analysis of the work produced by the team required more focus to ensure resources were being used effectively.

ACACIA PRISON COSTS

1.35 While the day-to-day management of the Agreement is good, the Department's own decision-making falls flat in one very important respect. The Department simply does not know if Acacia provides good value for money because the total cost of running Acacia is unknown. The contract cost is publicly available; however, the Department has repeatedly failed to provide a robust estimate of additional overhead costs associated with managing the contract, claiming that they do not record such information. Some of these overhead costs include the Department's staffing costs associated with the contract management team, and the costs of supplementary services provided by the Department to Acacia such as special security support, administrative and technical support for the Department's offender database, prisoner transport, administration of complaints, the management of prisoner health records, and participation in justice parades. These costs should be readily available, not just for contract accountability but for accountability for the operating costs of their own facilities, and for developing an intelligent assessment of comparability.

1.36 In reply to our requests for information, in 2003 the Department estimated that the overhead costs were approximately 30 per cent of what was being paid to the then-service provider AIMS. A decade later, in 2013, the Department provided a considerably different ballpark estimate that overheads were only an additional 15 per cent of the total contract costs. With the two estimates differing so dramatically, in 2013 we requested breakdowns of the individualised overhead costs, which when added together equated to 13 per cent of costs, a different figure again. The Department's numerous costing estimates provided over the years have been haphazard and inconsistent. Therefore in the interest of transparency and public accountability, we recommended in the 2013 Acacia inspection report that:

> The Department's annual reports on the Acacia Prison Services Agreement should include a robust estimate of the costs it incurs in relation to Acacia Prison and an explanation of how these costs are calculated; and

> The Department's main annual report should provide an outline of the relative costs of different prisons, not merely an average cost across the whole system (OICS, 2014a, p. 9).

1.37   The Department supported our recommendation to include all costs associated with the Acacia contract in its Acacia Prison Annual Report, but did not support providing details of relative costs of different prisons in its main annual report. Despite officially supporting the first recommendation (and therefore committing to Parliament that it would provide such information), the Department did not follow through. It has failed to include any breakdown of costs in its subsequent Acacia Prison Annual Reports, and has not committed to any timeframe in which it will do so.

1.38   In 2015, the Economic Regulation Authority (ERA) produced an *Inquiry into the Efficiency and Performance of Western Australian Prisons* which also reviewed the costs for running Acacia. The Inquiry claimed that the Department 'allocates a percentage of overhead costs to the State's private prisons when calculating a cost per prisoner per day figure'. However, the ERA cautioned that the Department's allocation methodology was not transparent and may actually be understated (Economic Regulation Authority, 2015, p. 53). The figures delivered to the ERA provided yet another different estimate of the indirect costs of Acacia, this time, around 11 per cent of the contract costs. We reviewed the breakdowns provided to the ERA and while we found the cost model an improvement on the estimates we had been given in the past, we found it was not robust and that some costs had not been allocated accurately.

1.39   As we were uncertain of the true costs for running Acacia, for this inspection we once again requested the Department's official cost estimates and allocation methodology, but we were informed by the Department that its estimates were not robust enough to share with us. To accurately provide a breakdown of overhead costs associated with managing Acacia, the Department would need to use a tool similar to an activity-based costing model, where time is recorded and allocated according to specific activities. The Department had not yet established any such accounting tool, therefore could not tell us how much it costs to run Acacia.

1.40   The ERA in its Inquiry recommended that '[t]he Department of Corrective Services undertake a program of service specification and costing for the prison system' (Economic Regulation Authority, 2015, p. 132). This Office supports the ERA recommendations for the Department to develop service standards and prison system costings. This needs to be done so the Department can make intelligent and sustainable savings while minimising any impact on service quality. However, in view of the importance of this work, it needs to be done well if it is done at all.

1.41   Multiple oversight agencies have recently commented on the financial performance of the Department. The pressure for the Department to prioritise and improve its financial management is now stronger than ever. In addition to the calls of this Office and the ERA:

•   The Auditor General issued qualified audit opinions on the financial statements of controls of the Department for both 2013–2014 and 2014–2015 showing serious weaknesses in the Department's recent financial management and accounting practices (Office of the Auditor General, 2014; Office of the Auditor General, 2015).

- In 2015 Parliament called for information not just on the costs for individual prisons, but the cost of providing specific prison services, such as accepting a person into custody and providing drug treatment programs (Hansard, 2015). The Department has not been able to adequately answer these questions.

- In June 2015 the Public Sector Commission and the Department of Treasury updated and reissued the whole of government policy that requires all government agencies to accurately cost their services (Public Sector Commission, 2009 - 2012; Department of Treasury, 2015).

1.42 It is difficult to understand why, nearly 15 years into the operation of Acacia as a private prison, and after repeated calls for cost transparency, the Department has still not developed a robust estimate of the total cost of Acacia Prison. It is also difficult to understand why it has been unable to produce intelligent evidence-based costings for other prisons. And while general 'cost per prisoner per day' figures are commonly used to compare the relative costs of different prisons, proper comparisons need to factor in the different roles of different prisons. For example, short term stays in prison are likely to be more expensive per day than longer stays. However, in response to questions from this Office and the Auditor General for information on such matters, all the Department could say was that 'it can cost up to' $770 per day. This is a meaningless estimate which lacks precision, is factually wrong, and for which the Department provided no methodology (OICS, 2015).

1.43 Such a serious lack of financial accountability is not acceptable from any state government agency, least of all one that expects to spend over $900 million in the 2015–2016 financial year. Our state's declining government revenue and the ongoing increase in prisoner numbers makes it essential for the Department to spend its funding in an informed and evidence-based way. If the Department is to regain the confidence of accountability agencies and the public, it must also be willing to report publicly on cost and performance.

> *Recommendation 2:*
> *Ensure the Department has sufficient financial management capability to develop and publically report on robust performance and cost models for the prison system.*

Infrastructure and Maintenance

1.44 Sodexo provide maintenance services at Acacia. The contract term for Sodexo to maintain the prison infrastructure is 20 years, and in 2015 it was in its fiftheenth year of the contract. Sodexo are accountable to the Department, but must also work with the service provider Serco.

1.45 At the time of both the 2007 and 2010 inspections, the maintenance contract was a major concern for this Office. The contract was poorly constructed – the requirements of Sodexo were unclear and there were no performance incentives built in. This was still the case in 2013, although the Department, Sodexo, and Serco were all showing good will in trying to make the contract work. Still, we recommended that '[t]he Department should

progress variations to the Acacia Prison Maintenance Agreement so that performance expectations are clear to all stakeholders, and contractor performance can be more effectively managed' (OICS, 2014a, p. 11).

1.46   Since then, Sodexo has employed more staff to work on site at Acacia, and the Department, Sodexo, and Serco have met regularly to discuss maintenance issues at Acacia. The Department secured a simple contract variation for Sodexo to maintain the new buildings from the expansion, but the variation did not touch on any other aspect of the contract. The Department told us it is still intending to do this, but has made little progress.

1.47   At the time of our 2015 inspection all three parties reported a good working relationship, but some unresolved frustrations continued. Some big ticket maintenance issues had remained unresolved for years – such as problems with the Building Management System which provides climate control in the prison's buildings.

1.48   The main infrastructure problems at Acacia were not specifically related to Sodexo or the maintenance contract. Instead, they were related to defects from the prison's expansion that should have been rectified within the stipulated defect period, which expired just prior to our inspection starting. For example, some of new accommodation blocks had faulty electronic showers which turned on by themselves, using up prisoners' pre-programmed shower allocations so that they regularly had to go without showers or seek out other inappropriate makeshift bathing options. No explanation could be given by the Department about why it did not pursue its right to rectification of the public asset. Once the defect period was over, it was unclear who was responsible for tending to these maintenance issues. This lack of basic hygiene facilities is an affront to decency and must be fixed as soon as possible.

Chapter 2

SAFETY AND SECURITY

SECURITY INITIATIVES

Project Secure and the Program of Secure Excellence

2.1 On 28 July 2014, a prisoner at Acacia freed himself from his cell and his unit, breached four fences, and escaped. The prisoner was captured some hours later. This was Acacia's first ever escape, and it prompted Serco to conduct an internal review and implement a plan to improve security at the site. Serco, in partnership with the Department, developed an action plan appropriately called Project Secure, which contained 128 recommendations, learnings, and actions from the escape. Some of the major changes included enhancing the integrity of cell doors, enhancements to internal and perimeter fences, the introduction of new security technology, and an employee cultural change and security awareness program. Some of the weaknesses revealed by this escape were also pertinent to other prisons.

2.2 At the time of this inspection, most of the recommendations had been actioned and Project Secure had closed. However, Serco recognised the benefits from the project and, based on the recommendations, introduced an ongoing security audit program called the Program of Secure Excellence. The audit categorised the risk areas from Project Secure into high, medium, and low categories and allocated a regular audit schedule for each area. There were some real improvements in security resulting from Project Secure and the Program of Secure Excellence, some of which will be discussed in this chapter.

Wearable Cameras

2.3 Officers working in the Detention Unit, the health centre, and those who make up the Correctional Emergency Response Team (CERT) at Acacia have started wearing small mobile cameras that clip on to their shirt pocket. If an officer is concerned that a situation may escalate, they can press the record button on their camera to capture the incident. The cameras are light weight and small and staff told us that they forget they are even wearing them. We viewed some of the camera footage taken during incidents in the Detention Unit and we noticed that the footage was remarkably clear, the picture was steady, and the sound loud and crisp.

2.4 The cameras can act as an effective de-escalation tool if a prisoner is made aware that his behaviour is being recorded. Afterwards, the footage may also be useful to train officers in best practice de-escalation methods and may be used as evidence if the prisoner is later charged for his actions. Footage from the cameras may also be useful to ensure officers deliver a reasonable and safe amount of force. Acacia was exploring the opportunity to use the recordings as a learning tool, where staff could potentially show the footage to a prisoner at a later stage so he can see how his behaviour is perceived. While still in early stages, the concept of officers wearing cameras in high risk areas was proving to be positive, and there was really no reason why the cameras could not be rolled out to other areas within the prison.

2.5 Positively, the staff at Acacia had embraced the idea of wearing the cameras, which was a real compliment to the staff culture. When other prisons in the state have attempted to trial similar cameras some have received considerable backlash from staff who felt that

they were being subjected to an additional level of surveillance from prison management. Consequently, at the time of the inspection, we were yet to see wearable cameras rolled out at any other prison in the state.

Recommendation 3:
The Department should introduce wearable cameras in high-risk areas of maximum and medium security prisons throughout the state.

PHYSICAL INFRASTRUCTURE

2.6   Acacia is the biggest prison in the country, yet has still managed to keep its open campus style, which provides an acceptable degree of freedom of movement around the prison. Additional fencing was installed, partly due to the expansion but also partly due to the escape. The new fencing contains the prisoners within the campus area and prevents them from approaching the perimeter fences at all times. Additional demarcation fencing was also introduced, to divide and segregate the prison in the case of emergencies and to allow for the safe movement of service vehicles with minimal disruption to the prison routine.

2.7   Some demarcation fencing was erected during the expansion building phases, but most was removed once construction was completed, and either recycled or used to construct objects around the prison such as hand rails. A fence remained to form a part-barrier between the oval and the new education facility, but leaving the entrance to the education centre exposed. During the inspection, we noted that prisoners exiting from the education facility would often remain talking to other prisoners on the oval instead of returning directly to their accommodation blocks. Staff commented that this was a problem, particularly if these prisoners should not be mixing. One solution may be to extend the fence further along the oval to provide a full barrier to the education centre, or a preferred option may to be review movement processes for prisoners who leave the education centre.

2.8   To monitor prisoner movements, Acacia uses fingerprint scanning technology. Prisoners must scan in and out of every location they visit, including their own accommodation blocks. This system had been in place for quite a few years now, but it is still unclear how it works to identify locations of prisoners. The Independent Visitors, who regularly visit Acacia and who report to our Office, have experienced quite a few instances where they have needed to speak with a particular prisoner, however, officers were unable to locate them. It is surprising that with such a sophisticated system in place, staff are still unable to pinpoint the whereabouts of prisoners.

2.9   Acacia underwent upgrades to the security surveillance system as part of the expansion project, yet some camera black spots still remained. The most vulnerable locations not covered by cameras were the wings of some accommodation blocks. This was particularly concerning in the older accommodation blocks where officers in the unit office had no

line of sight into the accommodation wings. The risks in these areas need to be managed accordingly.

2.10 Perhaps one of the most innovative and inexpensive infrastructure projects that Acacia implemented was the rabbit-proof fence, built around the perimeter just prior to the inspection. In 2013, the prison grounds were plagued with rabbits. Not only did they create large holes in the ground that prisoners, staff, and visitors were tripping in and injuring themselves, but they were also setting off the sensor alarms around the perimeter. During this inspection, after the installation of the fence, we saw very few rabbits, and Acacia was in the process of re-grading the oval to remove the rabbit holes.

PROCEDURAL SECURITY

Gatehouse

2.11 In 2013, we identified that the central control room, where staff are issued keys and radios, became regularly congested during shift changeover times. Acacia addressed our concerns and designed a new gatehouse and electronic key control area that was close to being finished when we inspected in 2015. The new design allowed for staff to enter the prison one way while visitors entered a different way, making for smoother processing of the two groups. Once complete, the congestion in the central control room should ease.

2.12 We observed staff entering the prison during the morning peak hour period. All staff seemed aware of the security screening processes, and diligently obliged. Each time the metal detector or x-ray machine identified the need for a more thorough search, staff (including the prison Director and members of the Senior Management Team) patiently submitted themselves or their belongings to the gatehouse officers. Staff did not appear to take the additional scrutiny personally, nor did they pressure gatehouse officers to speed up the process. It was a pleasant surprise to observe the robust, positive, and professional attitude of Acacia staff towards the gatehouse security procedures, something often not seen during other prison inspections.

2.13 Once staff are screened, they are directed into the new electronic key control room. At the time of the inspection, radios and personal duress alarms were distributed from this room, but the prison was yet to set up the electronic key system. Commendably, Acacia was still in the process of making the key room more secure and was not willing to move the keys into the safe until satisfied that the room was not exposed to the public. This was good practice.

2.14 The gatehouse can get very busy on social visit days, particularly family days when up to 1,650 visitors can pass through the gatehouse. On these days, additional staff assist with the security screening of visitors, which includes pat down searching, strip searching, and canine assistance. In the pre-inspection prisoner survey, the majority of the respondents who received social visitors claimed that their visitors were treated respectfully by Acacia staff.

2.15 There was a small room located within the gatehouse for private pat searching and strip searching of visitors. Such a room should be kept sterile so any items found in the area can be linked to the person being searched, however, the search room at Acacia seemed to

Figure 1: The cluttered room used for searching visitors

be used as a storage area and was cluttered with furniture. These items should be removed and stored elsewhere.

2.16 The gatehouse officers were polite and professional throughout the entire inspection. They demonstrated good knowledge of the screening equipment and were across all the security policies and procedures. However, Serco were genuinely focused on further improvement, and advised us that the gatehouse staff were going to attend a training course that would provide more customer service training and a better understanding of how to use some of the equipment.

Drug Detection Dogs

2.17 Canine dogs are used when searching prisoners, visitors, and areas within the prison. The dogs were well cared for by dedicated officers. There were some issues with the dog kennels on site at Acacia, but we heard that new, more suitable kennels were being built and would be ready to use shortly after the inspection.

Searching of Prisoners

2.18 Prisoners are searched when they attend a visit session, when exiting their place of employment, if suspected of carrying contraband, when entering or leaving the prison, as part of the urine testing procedure, as part of a cell search, and when targeted through received intelligence.

2.19 With regards to searching, Acacia's Director's Rules allow female staff to pat search male prisoners. However, the Department's Policy Directives clearly state that 'Rub down [pat down] searches are to be conducted by a prison officer of the same gender as the prisoner being searched' (DCS, 2014, p. 4). During the inspection, female officers routinely pat searched male prisoners, and when we questioned Serco security staff, they did not believe that the policy directive was relevant to Acacia. The Department and Serco need to review Acacia's Director's Rules for searching to ensure that they reflect departmental policies. However, both parties need to keep in mind how the changes in searching procedures will impact upon prison operations. In the six months leading up to the inspection, Acacia officers recorded 51,520 pat searches of prisoners. To place all of this responsibility on male officers would undoubtedly have an impact on staff deployment.

RELATIONAL SECURITY

2.20 A positive relationship between prisoners and staff encourages prisoner engagement and opportunities for information to be collected and passed on to the security team. This, in turn, enables the prison to be better prepared for security or safety threats. In 2013, we found that officers at Acacia spent little time out of their office interacting with prisoners, and too much time speaking with prisoners through the glass partition of their office. This was still the case in 2015. We received overwhelming feedback from staff claiming that they were unable to spend as much time out of their unit office as they would like because of the increasing amount of compliance reporting required of them. Most officers also felt that staffing levels in the units were insufficient to complete their daily duties. Staffing levels will be discussed later in this report.

2.21 The quality of staff and prisoner interaction was generally positive and respectful but the amount of officer and prisoner interaction could be improved. The lack of interaction may be the reason many prisoners claimed that they did not get along well with officers. Our pre-inspection prisoner survey indicated that while more than half of the respondents (57%) got along well with officers, the results were below the state average of 64 per cent.

2.22 The 2014 escape prompted a review of relational security, intelligence, and information gathering. A restructure of the security team saw the introduction of Intelligence Liaison Officers (ILO), a secondary duty given to selected custodial and non-custodial staff. ILOs have undertaken special training to assist with intelligence gathering and reporting. They also act as a conduit between staff and the security team, disseminating intelligence, and informing other staff about potential risks and incidents as they arise. The introduction of ILOs was an innovative and cost-effective strategy for reducing risk and facilitating communication between Acacia management, security, and staff.

EMERGENCY MANAGEMENT

2.23 Every prison needs a good emergency management plan and should run regular training and exercises to ensure all staff, prisoners, guests, and external agencies are well prepared to respond to emergencies. Emergencies may include, but are not limited to, loss of control, natural disaster, industrial accident, hostage situation, illness, death, or fire.

2.24 Awareness of emergency management processes at Acacia had improved markedly since 2013 and was a highlight of this inspection. The pre-inspection staff survey results revealed that more staff felt adequately prepared to respond to an emergency such as fire, natural disaster, and loss of control than they did in 2013. A significant driver of this improvement was the introduction of a new Emergency Management Manager position to focus on emergency management, occupational health and safety, operational contingencies, and to lead the CERT.

2.25 The Emergency Management Manager scheduled desktop and live emergency management exercises weekly, each involving a different unit or working group. Some recent exercises included a major disturbance, escape, bomb threat, key/lock compromise, fire, bushfire, injury, intruder, pandemic, hazardous material spill, and evacuation. Acacia had organised live joint agency exercises that allowed for agencies such as police, fire brigade, and ambulance to familiarise themselves with Acacia's internal layout and procedures. The most recent exercise involved an explosion in the industries workshops. After the exercise each agency was invited to provide feedback and recommendations, which Acacia embraced and actioned appropriately.

2.26 The exercises ran well, however, we heard that the live exercises had been regularly cancelled for operational reasons, usually short-staffing. It is imperative that emergency management exercises at Acacia continue to run during periods of low staffing. By definition, emergencies can happen without warning and at any time, so there must be sufficient trained staff to confidently respond to an emergency when staffing levels are low.

2.27 An incident control centre is a critical support measure to maintain command and control of emergency situations and should be fitted with the necessary supporting equipment such as: computers, telephones, and other equipment. Acacia had established three incident control centres that can be set up in different locations, depending on the situation. The first was located within the perimeter, an appropriate location to manage internal emergencies. A secondary incident control centre has been set up external to the perimeter. And in the case that an incident control centre needs to be established off site, Acacia have a mobile kit that can be set up anywhere, for example in the staff car park. These contingencies allow Acacia to be prepared for any type of emergency.

CORRECTIONAL EMERGENCY RESPONSE TEAM

2.28 CERT members are select prison officers who have undertaken specialised training to respond to various incidents that cannot be contained by the normal staffing compliment, or to provide an additional security presence. The team doubled in size from 20 members to 40 members in 2014. Each CERT member is trained to contain and control situations both with and without using force. They are also trained in other emergency aspects of the job such as firefighting, razor wire extraction, cell door removal, and top bunk retrieval, all important areas in which many other prisons lack sufficient training.

2.29 The CERT is a real asset to Acacia. It also seemed like a waste that Acacia's CERT is not called upon to assist with emergencies at Wooroloo Prison Farm, the minimum-security

state prison located across the road. In the event of an emergency at Wooroloo Prison Farm, the state's Security Operations Group (SOG), based 65 km away, are called. At best, the SOG response time would be around one hour.

> *Recommendation 4:*
> *The Department and Serco should examine the feasibility of making Acacia's Correctional Emergency Response Team available to respond immediately to emergencies at Wooroloo Prison Farm.*

OCCUPATIONAL HEALTH AND SAFETY

2.30 Acacia demonstrated a strong approach to managing workplace safety. The prison has been certified as compliant with the Australian and New Zealand Standard for Occupational Health and Safety Management Systems and has risk rated safety and health risks across the different areas of the prison. The Occupational Health and Safety (OHS) Committee has met quarterly and produced detailed analytical reports on OHS performance. The Committee members have also monitored and updated an Action Plan for resolving OHS issues.

Chapter 3

PRISONERS AND COMMUNITIES WITHIN ACACIA

3.1　During the 2013 inspection, we encouraged both the Department and Serco to commence long-term planning for the use of the additional 387 beds and to start thinking about how to maximise the opportunity to cater for the needs of young prisoners, those who are mentally unwell, prisoners requiring drug rehabilitation, elderly prisoners, and those on long-term or life sentences. We recommended in our inspection report that '[T]he Department, in collaboration with Serco, should assess the best use of the new accommodation units to target needs and to reduce recidivism…' (OICS, 2014a, p. 74). Both the Department and Serco supported this recommendation and in 2015 introduced a number of communities within the prison to cater for life sentence and long-term prisoners, protection prisoners, young adults, and prisoners requiring additional care.

LIFE SENTENCE PRISONERS (LIFERS)

3.2　Life sentence prisoners (lifers) can be a stabilising force in a prison environment. Some have been incarcerated for a long time, and will likely still be there for a long time. For the most part, many just want to pass their time in prison peacefully. An appropriate strategy for lifers could ensure this peaceful progress through their lengthy sentences as well as providing assistance and resources to them to keep them mentally and physically healthy. When we inspected Acacia in 2013 the situation for lifers was disappointing. We found that 'life was not all that good for lifers at Acacia', and suggested that Acacia 'examine what it can do locally to better reflect the needs of lifers and other long-term prisoners' (OICS, 2014a, p. 36).

3.3　Most of the long-term prisoners have always been accommodated in the self-care units at Acacia. This is an enhanced accommodation block that consists of double level self-care 'houses' that have six rooms, all of which are designed for one prisoner only. Following

Figure 2: Self-care accommodation units

Figure 3: Self-care accommodation units

the expansion, the self-care block increased in size which led to a reconfiguration into two separate blocks: one side for lifers and the other for general self-care.

3.4   The decision to repurpose one-half of the expanded self-care block specifically for lifers and the introduction of a strategy guiding the management of this group was a good decision. A specifically chosen and dedicated group of officers called Lifers' Liaison Officers were assigned to the unit to manage the lifers and implement the lifers' management strategy. These officers had either volunteered to be in the role or had been specifically asked if they would consider the role and had agreed. Acacia management assured the Lifers' Liaison Officers that they would receive the appropriate training to work with this group of prisoners and that they would have the stability of working full-time in this unit.

3.5   One component of the training program for Lifers' Liaison Officers had commenced. It was titled 'Being a Lifer' and the Lifers' Liaison Officers who had been part of this session were very complimentary. The session involved a lifer talking to the officers about his experience of spending most of his adult life in prison. This included details of his crime/s, the impact of this on his life and on his family and friends, his adjustment to prison life, and the psychological impacts of long-term imprisonment.

3.6   The concept of a lifers' unit and the accompanying lifers' strategy was new to Acacia and only commenced operation when the new units across the site were filled in the first half of 2015. However, the lifers' strategy and its associated training was progressing

painstakingly slowly. It turned out that not even the group of Lifers' Liaison Officers was immune from the cross deployments that were affecting most officers across Acacia. Staff mentioned that at least two members of their team were cross deployed to work in other parts of the prison every day, which was destabilising for both the team as well as the prisoners. These cross deployments impacted on training sessions and team meetings, with many either having to be cancelled or the cross deployed officers missing out on attending them.

3.7   The Lifers' Liaison Officers expressed their frustration about how the operational constraints made it just about impossible for the lifers' strategy to be fully implemented. Likewise the prisoners from the lifers' unit felt frustrated over the fragmented approach being taken to what they had originally been told would be a comprehensive and robust strategy. The strategy will likely fail if the officers whose role it is to implement it keep getting interrupted from doing so by being consistently cross deployed.

3.8   There were some initiatives implemented for the lifers that were working well and were appreciated by the prisoners. Lifers had been provided with a blue card which allowed them greater access to the oval. This had been in place for the lifers some years ago but the privilege had been removed from them after it had been abused.

3.9   Lifers also received a special visit twice a year that occurred on the oval. The prisoners had asked that the officers supervising these visits be the Lifers' Liaison Officers rather than officers from other blocks. The lifers said they had developed special relationships with these officers, and preferred to have them supervise the special visits with their friends and family than unknown officers. It was positive to see that such respectful and trusting relationships had developed.

> *Recommendation 5:*
> *Serco to commit to fully implementing the lifers' strategy and cease the cross deployment of the Lifers' Liaison Officers.*

YOUNG ADULTS

3.10   There are alarmingly high numbers of young men in prison in Western Australia. At the time of the inspection, 441 (or 32% of Acacia's population) were aged 27 or under. The Young Adults' Community within Acacia was specifically designed for young offenders aged between 18 and 27 years to cater for the needs of the younger men. The idea of housing young men together carried some potential operational and security risks, however Serco were prepared to carry that risk. At the time of writing this report, no significant security incidents had occurred within the unit.

3.11   Four new double story accommodation wings had been constructed as part of the expansion project and were allocated to house the young adults. The units were intelligently designed so that there was a direct line of sight from the unit control rooms down the wings. The philosophy of the block is to reduce recidivism among this group of

young, potentially vulnerable prisoners, by adequately preparing them for release through an intensive focus on education, employment, and life skills opportunities while in prison. Specifically, the purpose of the community is to prepare young adult offenders for successful return to the outside community by:

• providing a program of activities designed to create 'social human capital for successful community reintegration upon release'

• fostering and maintaining links between the young adult, their family, and the wider outside community

• providing collaborative multidisciplinary case management of young adults both pre and post release

Figure 4: Young Adults' Community

UNITS WITHIN THE YOUNG ADULTS' COMMUNITY

3.12 The philosophy of the Young Adults' Community was the same as that of Wandoo Reintegration Facility ('Wandoo'); the other Serco operated custodial facility in Western Australia. Wandoo is a minimum-security prison for young, first-time offenders located in Perth's outer metropolitan area with a focus on re-entry and rehabilitation. The facility commenced operation in November 2012 and was first inspected by this Office in May 2014. That inspection was generally positive with many examples of good practice. The biggest challenge resulting from the Wandoo inspection report was that the facility was still well under capacity, even some 18 months after it first opened.

3.13   To increase the size of the pool of eligible young adults, Wandoo increased the maximum age range for the young adults from 24 years to 27 years. Acacia then purposely designed its Young Adults' Community to reflect the Wandoo age range of 18 – 27 years, and specifically designated one unit as a Wandoo transition unit. The Wandoo Unit was designed to prepare eligible young offenders who are likely to make minimum-security for transfer to Wandoo's minimum-security environment.

3.14   Another unit within the community was referred to as the Outcare Unit, named appropriately after the non-profit service organisation Outcare who provide re-entry services at Acacia. Young adults who are not likely to attain minimum-security status and are therefore likely to be released directly from Acacia are placed in the Outcare Unit. Prisoners in this unit were provided with re-entry services to assist them to successfully reintegrate into their communities when released. An Outcare worker was based in the unit on a part-time basis. The other two units in the block were general accommodation units and functioned as 'feeder' units to the Wandoo Unit and the Outcare Unit.

3.15   The Young Adults' Community was well-controlled, but the atmosphere was deliberately more casual and relaxed than the mainstream accommodation blocks. Staff were encouraged to develop more personal engagement and interaction with the young adult offenders. The officers working with the young offenders wore non-authoritarian polo shirts, similar to the staff at Wandoo, to encourage more pro-social relationships. This also reinforced the relationship between the Young Adults' Community at Acacia and Wandoo, and assisted with the transition for those young adults who eventually transfer out of Acacia to Wandoo. The atmosphere in the Young Adults' Community certainly radiated a more positive social environment than the mainstream accommodation blocks.

3.16   The facilities in the Young Adults' Community were in good condition. Each unit had a room that could be used for programs, education, staff training, and so on. The unit offices were large and had direct lines of sight to the accommodation wings. This design could present a risk of staff spending too much time in their offices; however, commendably for Acacia, staff rarely congregated there, and instead were often out liaising with the young adults. The young adults had access to a communal outdoor area in the centre of the block which contained a multipurpose court (basketball, soccer, etc.) and a well-equipped outside gym.

3.17   As well as engaging on a more personal level with the young adults, the officers in the Young Adults' Community were required to schedule, coordinate, and participate in activities with the prisoners. This could be as simple as playing board games or spending time out and about with the prisoners in the communal areas of the unit. Some of the officers had arranged more structured recreational activities like morning bootcamp sessions. Initially officers were promised opportunities to participate in certified fitness training to provide them with the skills and qualifications to formally develop and coordinate a unit based recreation program and alleviate the pressure on the already stretched recreation officers and the prison gym. While this had been the original plan, officers working in the Young Adults' Community were disappointed that this had not eventuated and they were still waiting to be offered the training.

3.18   The young adults in the Young Adults' Community were supported by a group of 'house uncles' who were older prisoners that were selected to live in the block and perform a mentor and peer support function for the young adults. There were two uncle positions in each unit, eight across the block. This system was working well. The uncles who met with members of the inspection team had been specifically selected for the role. They all took their role seriously and felt personally motivated to improve the lives of the young adults with whom they engaged. Some of the uncles had implemented programs in the block. For example one had facilitated a basketball program for the young adults which incorporated an array of life skills. Another had recently completed a course in drug and alcohol counselling and he was engaged with a young adult in one-on-one counselling for these issues.

3.19   The biggest challenge facing staff and managers was keeping the young adults meaningfully occupied. Only 58 per cent of the young adults in Young Adults' Community were in full-time employment. While there had been attempts made to coordinate a program of activities within the block, this was not fully in place at the time of the inspection and the activities that were occurring seemed ad hoc and haphazard. It is crucial that this group of young offenders be provided with as many opportunities as possible to acquire skills, learn new ways of behaving, and become resourceful members of society. The current program of activities in the Young Adults' Community does not begin to achieve these goals.

3.20   Overall the inspection found that the new Young Adults' Community was an intelligent approach with potential. There was still some way to go, however, with regard to keeping the young adults meaningfully occupied and providing opportunities for young adults to develop skills.

> *Recommendation 6:*
> *Serco ensure there are enough meaningful constructive and rehabilitative activities available within the Young Adults' Community.*

PROTECTION

3.21   Some prisoners may need to be segregated due to the nature of their crimes or because they have issues mixing with the mainstream prisoner population. Acacia has a dedicated protection unit where prisoners can safely live away from mainstream prisoners. There were 128 beds in the protection unit, most of which were constantly full. Protection prisoners were escorted when they needed to attend areas outside of their unit, for instance to attend the medical centre or a visit session.

3.22   As mentioned in paragraph 1.15 the Department advised Serco that once the expansion project was completed, a higher number of protection prisoners would be transferred from some of the other more crowded prisons to Acacia. To accommodate the extra protection prisoners, Acacia had made a second accommodation block available for protection and adjusted the internal demarcation fencing to segregate the two protection units from the mainstream population.

3.23   Prior to the expansion, protection prisoners could only attend the education centre on Fridays, when it was off limits to the rest of the prison. The situation was not ideal because it only allowed access to education one day per week and it limited mainstream prisoner access to four days per week. To enhance access to services for the expected higher protection population a new fully functional multipurpose centre was constructed within the protection precinct, complete with its own classrooms, library, chapel, and miscellaneous offices. The new protection precinct was designed to operate as its own secure community, essentially a prison within a prison.

3.24   After the construction was complete, the Department advised Serco that there were not enough suitable protection prisoners to be transferred to Acacia, therefore capacity would remain at 128. Acacia was faced then with converting the second protection unit back to a mainstream accommodation unit and moving the internal fences again, a huge logistical task that Acacia completed without any major incidents. The multipurpose centre remained part of the protection precinct, despite catering for only a small proportion of the population.

3.25   Protection prisoners could no longer visit the education centre on Fridays, because, in theory, they now had regular access to education and other services in their own precinct. Leading up to the inspection we became concerned that the adjoining multipurpose centre within the protection precinct was rarely operational. This Office received numerous complaints from protection prisoners, both before and during the inspection, telling us that since the new centre opened, opportunities to participate in education or to liaise with non-custodial staff had severely diminished.

3.26   There seemed to be quite a few reasons for the multipurpose protection centre to be regularly closed. Firstly, Serco was expecting higher protection prisoner numbers, which would have made the staff-to-prisoner supervising ratio economically justifiable. But with only 128 protection prisoners, opening the centre and providing officers to supervise the small percentage engaged with education and programs was more difficult to justify. Throughout the inspection there was already too much cross deploying of officers and service closures occurring to justify also keeping the centre opened and fully staffed.

3.27   Secondly, there was a security issue in the protection yard just prior to our inspection. Serco and the Department were in negotiations for an infrastructure upgrade to the facility that would make the area more secure. Until then, we were told that prisoners were not permitted in the general area of the education centre without supervision.

3.28   Thirdly, the buildings lacked computer network portals, so staff could not effectively conduct any business from the centre until the room and offices were complete. This was particularly important for the Sentence Management area, which could not assist protection prisoners with their enquiries without online access to their personal files. We were told that a job order had been generated and the network ports were soon to be installed.

3.29   Lastly, the proposed medical clinics could not operate from the designated clinic rooms because the rooms had been carpeted and were medically unsanitary. The building defect

period had expired in the months prior to the inspection, but we heard of no plans to remove the carpet or run clinics out of the protection precinct. Protection prisoners were still being escorted to the medical centre, a practice that protection prisoners felt quite intimidating and hoped would soon change.

3.30 Not only were the protection prisoners frustrated with their lack of access to education and other services, but they also felt that they were unfairly disadvantaged with regards to access to recreation. The recreation schedule did allow for protection prisoners to access the gym and oval for one hour each day, however, recreation was scheduled at the same time as dinner and medication rounds. For some, this made getting to recreation extremely difficult. To allow for equitable access to recreation, Acacia should either review the daily schedule for protection prisoners or improve unit recreation options for protection prisoners.

3.31 We also received complaints from protection prisoners about the severity of bullying and standovers within the unit itself. The amount of complaints received about safety from protection prisoners was far greater than from other areas of the prison. Our pre-inspection prisoner survey also indicated a high rate of prisoners feeling unsafe within the protection unit. When asked what made them feel unsafe, the majority of prisoners claimed that there were not enough officers in the unit or CCTV cameras to provide supervision. Peer support prisoners also confirmed that they had received complaints from protection prisoners who had been assaulted, stood over or bullied, but were too afraid to speak up because they did not want to be removed from the unit and placed in the Detention Unit (Acacia's policy is to remove assault victims from their unit and place them in the Detention Unit until they identify the bully, a strategy that is perceived by prisoners as punishing the victim [see 5.20]). Acacia needs to attend to safety concerns in the protection unit as a matter of importance.

3.32 Overall the treatment of protection prisoners at Acacia was disappointing. Our inspection standards state that '[P]rotection prisoners should have equitable access to the full range of activities education, employment, and incentive schemes available to other prisoners' and 'must not be subjected to intimidation, abuse, or acts of malice by other prisoners' (OICS, 2007, p. 32). These standards were not being met.

> *Recommendation 7:*
> *(a) Implement a more equitable regime that provides protection prisoners access to the full range of services available to other prisoners, and (b) Implement a suitable strategy that addresses the intimidation, abuse, or acts of malice towards protection prisoners from other prisoners living in the protection unit.*

ASSISTED CARE

3.33 The Assisted Care Unit contained 33 beds for prisoners who required additional care to live their day-to-day lives. Traditionally, this unit housed elderly patients, however, over time other prisoners living with disabilities, prisoners with mental health issues, or prisoners who may be particularly vulnerable living among mainstream prisoners have

Figure 5: The garden in the Assisted Care Unit

been housed in the unit. The unit had an open feel to it, the cells were large, and there was a tranquil garden area that residents could access throughout the day.

3.34   The staff working in the unit were dedicated and enthusiastic but over the past few years they had found their role increasingly challenging. The age range for prisoners was from 20 to 85 years and care had to be tailored to the different age groups and the different needs of each prisoner. Staff explained to us that the prisoners rarely left the block and some stayed in their cells all day. Most of the prisoners had care plans and one of the requirements of the plan was mental stimulation through interaction. It was important for officers to interact with them constantly as this was critical for relationship building and earning trust. However, the officers felt that they had limited opportunity to spend time with the prisoners. When one officer was required to do an escort to places such as the medical centre, often only one officer would be left in the block. Given the prisoners' very high and complex needs such as mental health issues, the officers felt that they were not able to provide the care the prisoners needed, and that the prisoners' safety was potentially compromised.

3.35   The officers working in the Assisted Care Unit had been requesting additional mental health training for some months leading up to the inspection, as the staff found it difficult to manage mental health prisoners with no training. They told us of one particular prisoner who was quite young and very unsettled. He caused major disruption to the unit, banging his head on the cell door and yelling out at night. The officers felt ill-equipped to deal with the situation, which not only puts the prisoner in danger, but also

places additional stress on the staff working in the unit. Acacia should prioritise mental health training for the staff working in the Assisted Care Unit.

3.36 The idea of establishing a number of different communities within the prison to better cater to the needs of young offenders, life sentence and long-term prisoners, protection prisoners, and those requiring additional care, was an innovative and inexpensive way for Serco to make optimal use of their accommodation facilities. We would like to see the Department introduce similar innovations at other prisons across the state.

> *Recommendation 8:*
> *The Department to examine appropriate options within the prison estate to establish specialised prisoner communities to optimise service delivery and application of resources.*

ABORIGINAL PRISONERS

3.37 At the time of the inspection, 488 prisoners (or 35% of the total population) identified as being Aboriginal. In terms of overall numbers, Acacia by far accommodates the highest number of Aboriginal prisoners in the state.

3.38 Not long after Serco commenced operations they appointed a strong and well-respected Aboriginal woman as an Assistant Director, Indigenous and Cultural Affairs. This was a positive step that we commented about in our 2008 inspection report:

> One of the most obvious developments under Serco has been the appointment to the Senior Management Team of an Aboriginal woman with extensive experience in Indigenous affairs. Serco is to be commended for this appointment … The appointment of a well-credentialed Aboriginal woman to the inner sanctum of the Senior Management Team should provide stronger operational input and linkage (OICS, 2008, p. 37).

3.39 Acacia subsequently expanded the portfolio to include health, education, and re-entry services. This was a huge area of responsibility and we were concerned at the impact on Aboriginal services:

> The Aboriginal focus has become diluted and that, without more support, the Assistant Director Resettlement will become less visible in the prison and less able to drive initiatives relating specifically to Aboriginal and other cultural services (OICS, 2008, p. 38).

3.40 To preserve the focus on services to Aboriginal prisoners at Acacia, we made a recommendation to appoint a well-qualified individual to assist the Assistant Director of this area to drive Aboriginal policies and practices. Serco actioned this recommendation by creating a position called Indigenous Initiatives Coordinator. This position was still in place in 2015, albeit with a different line manager and with different areas of responsibility as was originally intended.

3.41 The Indigenous Initiatives Coordinator stepped into the role when it was first created in 2008. Prior to this, she worked in the prison as a Prisoner Support Officer with proven

experience and commitment working with Aboriginal prisoners. Just weeks before the 2015 inspection her role was transferred into the Reducing Reoffending team, a similar team to where it was originally located when Serco first took over the contract. Both the Director of the Reducing Reoffending team and the Indigenous Initiatives Coordinator should be commended on their drive and passion towards improving the life of Aboriginal prisoners at Acacia.

3.42   Acacia developed an overall Aboriginal prisoner strategy, titled 'Aboriginal Prisoner Action Strategy 2014-2016 – Addressing the Gap'. The issues included in this strategy relate specifically to improved outcomes for Aboriginal prisoners, such as:

- contact with community
- meeting cultural and spiritual expressions in regard to Aboriginal food preferences, customs, celebrations, ceremonies, and arts and crafts
- kinship system in the placement of Aboriginal prisoners
- Aboriginal engagement in educational and vocational training
- programs to facilitate successful community reintegration including culturally appropriate programs
- Aboriginal staff at Acacia not representative of the prisoner population
- communication with Aboriginal prisoners and stakeholders

3.43   The strategy incorporated actions to be taken to address each issue, lines of responsibility for progressing the actions, measures of achievement, and a timeframe for completing the actions. Acacia is to be commended on developing and working towards implementing the strategy, and this was significantly better than what we have seen at publicly operated prisons. Further, despite no longer having a dedicated Assistant Director looking after an Aboriginal-focused portfolio, the position of Indigenous Initiatives Coordinator was making sure that Aboriginal-specific interests were taken into account in all aspects of operations at Acacia Prison. Again, this position does not have an equivalent counterpart in the state's public prisons.

3.44   However, while Acacia may have be doing better than other prisons in relation to looking after its large Aboriginal prisoner population, this does not mean they were making a significant change in these prisoners' lives. Aboriginal people have strong spiritual, physical, social, and cultural connections to their land which forms their culture and sovereignty. We were overwhelmed by the unhappiness of out of country prisoners who desperately wanted to be transferred to a prison close to their country, even if just temporarily, to visit their families.

3.45   During the inspection we met with a large group of out of country prisoners. Some had not seen their family for a number of years. Most of these prisoners were from the Eastern Goldfields area and they all seemed optimistic at the prospect of the new prison opening in that area within the next 12 months. While this may be a solution in the medium-to-long-term for prisoners from Eastern Goldfields, some out of country Aboriginal men at Acacia were distressed about being incarcerated so far away from their country for over a decade. This is not an Acacia-specific problem as its remedy depends on cooperation from

and capacity in some other public prisons. However, the problem has been ongoing for so long that we would have expected more efforts to address this longstanding issue.

3.46 There had not been a significant increase in the number and diversity of Aboriginal employees at Acacia since the last inspection [see 9.16], despite our recommendation that Acacia reinvigorate its strategic focus on Aboriginal issues and focus on recruiting and retaining more Aboriginal staff in all areas (OICS, 2014a, p. 39). There had, however, been some investment in increasing the cultural awareness of the officers at Acacia through the creation of Aboriginal and Torres Strait Islander (ATSI) Champions among the staffing group at the prison. This was driven by the Indigenous Initiatives Coordinator and involved providing cultural education opportunities to groups of staff, including a bus tour of culturally significant sites across the Perth metropolitan area. These staff were then appointed 'ATSI Champions', who wear a badge that indicates to Aboriginal prisoners that they are approachable and willing to assist with any cultural issues the prisoners may be experiencing. There were 60 ATSI Champions representing various work areas across the prison. This was good practice.

3.47 The Department, in its *Reconciliation Action Plan*, committed to an initiative to further develop the Aboriginal Visitors Scheme (AVS) across the state (DCS, 2015b). This was urgently needed at Acacia. A team of two Aboriginal staff were employed by the Department through the AVS to visit Acacia and provide support and counselling to prisoners. They were very well-respected at Acacia; however, they felt incredibly stretched and unable to cater for the increased prisoner population. They were providing two full-days and two half days of service which included the 1.5 hour lockdown for lunch when they were not permitted to liaise with prisoners. Within these short timeframes the AVS were expected to provide services to all 488 Aboriginal prisoners at Acacia. In comparison, the AVS provided the same level of service (three days equivalent) to the 160 Aboriginal Prisoners at Albany Regional Prison when we last inspected in January 2015. A review should be conducted and AVS staffing levels adjusted appropriately to meet the demands of the Acacia Aboriginal prisoner population.

3.48 In February 2016, to reduce the potential for self-harm and suicide amongst Aboriginal prisoners, the government announced the establishment of a 24-hour counselling hotline available to prisoners and their families and friends. The hotline is staffed by Aboriginal people or people who have undergone cultural awareness training, and is a good initiative that should be seen as complimentary to AVS services, not a replacement to the face-to-face contact provided by AVS visitors.

> *Recommendation 9:*
> *Complimentary to the 24-hour hotline, the Department increase the amount of face-to-face contact by the Aboriginal Visitor Service at Acacia to meet the expected outcomes of the Department's* Reconciliation Action Plan.

3.49 The AVS staff confirmed that their most frequented complaint is from Aboriginal men who cannot be placed in prisons close to their home. On top of this, the AVS regularly

dealt with complaints about appropriate medical care for Aboriginal prisoners, the restricted air flow in the units, the lack of post release support particularly for the out of country men, and the delivery of offender programs that are not tailored to the Aboriginal audience.

3.50 Despite these areas for improvement, overall, the inspection found that Acacia had made some progress against our previous recommendation to improve its focus on Aboriginal matters, and had an Aboriginal prisoner strategy and initiatives to improve the outcomes for the Aboriginal prisoners at Acacia. We also found that, compared to the public prisons, Acacia was further advanced in relation to Aboriginal–specific initiatives. We expect continuous focus and improvement in this area.

Chapter 4

PRISONER CARE AND WELLBEING

INDUCTION AND ORIENTATION

4.1   When prisoners first arrive at any prison, they may feel distressed, angry, or vulnerable, therefore it is crucial that staff working in the reception area remain respectful, professional, and informative throughout the reception process. Officers working in the reception area at Acacia demonstrated professionalism and courtesy to new prisoners, politely greeting them and showing them where to go and what to do.

4.2   Integral to the reception process was the initial health screen, which was conducted by a nurse from the prison health centre. The process had recently changed which had increased the amount of unnecessary time prisoners were being kept in the reception holding cells. Up until a few months prior to the inspection, a nurse would interview each new arrival in an office in the reception area, supervised by nearby reception staff. The new process meant that each new prisoner had to be escorted to the medical centre for their initial health screen. This new process caused long delays in processing prisoners. During the inspection a group of seven prisoners arrived at Acacia shortly before lunch time. By the time they had been through the first stages of the reception process and were ready to go to the medical centre for their health check the medical centre was closed for lunch. So the prisoners had to wait in the holding cells over this lunch period. A process that used to take a couple of hours was taking twice as long. Other prisoners confirmed this was now commonplace. It would be more efficient for these initial health checks to revert to being conducted by health centre staff in the dedicated space in the reception centre.

4.3   Once a prisoner is through reception, he transfers to the induction unit to undertake his week-long induction program. The comprehensive orientation program informs new arrivals about the rules applicable to Acacia and the services available to them. It covers all aspects of prison life. Representatives from all the various service areas including education, programs, sentence management, peer support, health, and prosecutions provide information pertaining to their service. The new prisoners are told about the vending machines across the site and how they can use their cards to purchase items from these machines. They are also provided information on how the electronic kiosks worked.

4.4   The inductees are escorted to the visits centre to familiarise themselves with the visits processes and facilities. Those prisoners interested in working in the various industries and in the kitchen are taken on a tour of these facilities, with some even leaving this tour with job offers to work in one of these areas.

4.5   Overall the inspection found that the induction processes at Acacia were comprehensive and well-organised. Prisoners, having gone through the program, should be confident in understanding the expectations required of them and how best they can structure their lives at Acacia.

CLOTHING AND BEDDING

4.6   Prisoners laundered their clothes in domestic washing machines in their block and each block had an allocated day where linen exchanges were processed through the laundry.

Figure 6: The laundry where linen is washed and exchanged.

Sixty-seven per cent of prisoner respondents to the pre-inspection survey rated laundry conditions and processes as good. The main prisoner complaint was about the quality of clothing. Laundry staff confirmed that some batches of prisoner clothing can be of poor quality, causing clothes to shrink in the wash or deteriorate. The shoes were also basic quality and many prisoners who could afford to resorted to buying their own shoes.

4.7 Following the expansion, an issue with the ordering of additional clothing created clothing shortages. This was reflected in an increase in the number of complaints to the Department's complaints line. This had since been rectified.

4.8 Overall, processes for ordering and laundering clothing and bedding at Acacia were reasonable. The laundry services were keeping up with the increased demand of 1,395 prisoners and the laundry staff appeared to work well with unit staff to exchange or replace items that go missing.

PRISONER PROPERTY

4.9 Prisoners at Acacia could keep some personal property in their cells. Any excess property was stored in the prison's property store at reception. Acacia had made some changes to the structural layout of the property store to accommodate the increased volume of property that came with the extra prisoners. This included extra shelving and equipment to make it easier to retrieve and replace prisoners' property from high shelves. As a result the storage area presented as neat and tidy, an improvement on two years ago when we commented that the area was 'disorganised and messy' (OICS, 2014a, p. 45).

4.10   A positive change that had occurred since the last inspection was the employment of a prisoner to work in the property store. In 2013 we were disappointed that this prisoner employment opportunity had been removed, particularly since we had commented in a previous report that 'the employment of prisoners in these trusted positions is consistent with the responsible prisoner model in place at Acacia' (OICS, 2011, p. 33). In 2015 we were pleased to see that the position had been re-instated and one prisoner was employed to assist the officers in the property store.

4.11   As discussed in paragraph 1.21, during the 'fill' period, we received a high number of prisoner complaints about property through the monthly Independent Visitor reports. Property issues also dominated the statistics kept by Acacia. The prisoners were mostly complaining about property that had gone missing during their transfer to Acacia, or had arrived late or had been left behind. The officer we spoke to in the property store confirmed that there had been elevated levels of complaints about property over the fill period, most of which were not Acacia-specific but related to the prison they were transferring from.

4.12   There was, however, another type of property complaint made by prisoners during this inspection. Prisoners were frustrated about the time taken to receive the goods they purchased through the town spends system. This complaint had also been prevalent during the 2013 inspection, and the underlying cause for the lengthy delays in processing prisoners' town spends orders was the same.

4.13   When a prisoner purchases an item from town spends, such as an X-Box, or running shoes, the item must be registered by staff in the property store and, once logged, the item can be delivered to the prisoner. In 2013, there were two officers rostered to work in the property store. One officer was regularly cross deployed to another area in the prison, leaving only one staff member to work in property. The same situation was still occurring in 2015, leaving it impossible for one officer to process and log new property of up to 1,400 prisoners. Further, in 2015, when there were shortages in the reception staffing group the property store was closed completely and prisoner purchases remained unprocessed. This was still causing delays for prisoners receiving their property. Acacia should explore options for reducing this delay, including potentially moving the process of logging and distributing town spends to the canteen.

FOOD AND NUTRITION

4.14   Findings from the past three inspections have been positive in relation to food at Acacia. In 2007, we found that the introduction of meal choices, providing prisoners with the option of three choices for each evening meal, was best practice and a model from which publicly operated prisoners could learn (OICS, 2008, p. 87). In 2010 we commended innovative practices in the food system at Acacia like the food committee – a forum for prisoners to provide feedback and/or suggestions about the meals they received (OICS, 2011, p. 36). In 2013 the quality of service being offered to staff and prisoners in relation to food was impressive, as were the opportunities for training and employment that this industry provided to prisoners at Acacia (OICS, 2014a, p. 48). Also in 2013 we looked

forward to the new training kitchen that had been established in preparation for the expansion of the prison becoming operational.

4.15   In 2015 the new training kitchen and staff dining area were operational. The trainees working in the new training kitchen were responsible for the planning, preparation, and serving of the meals for Acacia staff, which amounted to between 250 and 300 meals each day. Hot and cold food options were available at lunchtime and the range and quality were outstanding. Meals were prepared and kept separate for the staff working on night shift.

Figure 7: Trainee kitchen workers preparing meals.

Figure 8: Trainee kitchen workers preparing meals.

4.16   The food production system at Acacia is a substantial and impressive industry. In total, there were around 90 prisoners working in the kitchen, preparing up to 3,000 meals each day for staff and prisoners. These prisoners worked across two shifts (a morning and an afternoon shift), with 45 prisoners on each shift. This was a significant increase from two years ago when there were 15 prisoners working on each shift.

4.17   A nutritionist had recently started at Acacia to help prisoners improve their understanding of nutrition, portion control, food label reading, food hygiene, and how to cook with minimal resources. Only one program with six participants was up and running with most new programs planned to commence in the new year. It will be interesting to see how many prisoners take up courses in healthy eating in 2016.

4.18   We observed and sampled the food being provided to prisoners on several occasions over the course of the two week on site inspection. The food being prepared and served to staff and prisoners at Acacia was good. The new training kitchen was an overwhelming success and all staff and prisoners working in the kitchen at Acacia should be commended for this.

PRISONER PURCHASES

4.19   When Acacia's population was much lower, prisoners were escorted in groups to the canteen to receive their canteen spends orders. The expansion prompted Acacia to introduce a safer and more efficient method for distributing canteen purchases where prisoners pre-order their goods through the CMS kiosks. Canteen workers receive the printed order and 'pick and pack' the items into baskets. The products are then scanned through a checkout machine similar to a checkout in a supermarket, and the purchases are bagged and tagged for delivery to the prisoners' units.

4.20   At all times throughout the process, the prisoners working in the canteen are not able to see the names of prisoners ordering the items. This is good practice and prevents any intentional mismanagement of goods. Tobacco and cigarette orders are also processed separately by a staff member to prevent stealing or standovers for tobacco purchases.

4.21   The new canteen processes were impressive and worked well to replicate the process of 'internet shopping' that people would experience in the community. Sixty-one per cent of respondents to the pre-inspection survey agreed that the canteen service was good, which is in line with Acacia's 2013 survey results and the state average.

RECREATION

4.22   The gym facilities at Acacia were the most highly rated amenity among prisoners who completed the pre-inspection survey, with 75 per cent of respondents rating the facilities as 'good'. On the downside however, only 42 per cent of respondents rated access to the gym as 'good'. Discussions with prisoners confirmed that they felt the gym had good facilities but was not used to its full potential.

4.23   In 2013, we recommended that Acacia should 'cease the cross deployment of recreation officers; and ensure that appropriate additional physical resources and staffing are available

to meet current and future demand for recreation' (OICS, 2014a, p. 51). Acacia supported this recommendation and produced a local order detailing a preference for not cross deploying recreation officers. Despite this, throughout this inspection gym officers were working in areas outside of the gymnasium, with approximately two of the four recreation officers being regularly cross deployed to work in other areas of the prison. This would leave one of the recreation officers in the gym's movements office and only one on the floor interacting with prisoners.

4.24   The cross deployment of recreation officers stopped the gym from running at full capacity. For safety reasons, when gym staffing was low prisoner numbers were capped at 50, even though the centre is large enough to hold 100. Recreation officers had also developed a comprehensive health and fitness program but were unable to implement this due to being under-resourced. Programs included a mobility program for aged and impaired prisoners, weight loss initiative, and circuit based training. While these programs proved to be popular with prisoners they were frequently cancelled.

4.25   Despite the 40 per cent increase in prisoner numbers, the monthly allowance for the purchase of new equipment and consumables was temporarily reduced just prior to the inspection, meaning that there were limited funds available to maintain the costs of equipment. None of the six treadmills were working, and tennis rackets and other equipment was not getting replaced or fixed in a timely manner.
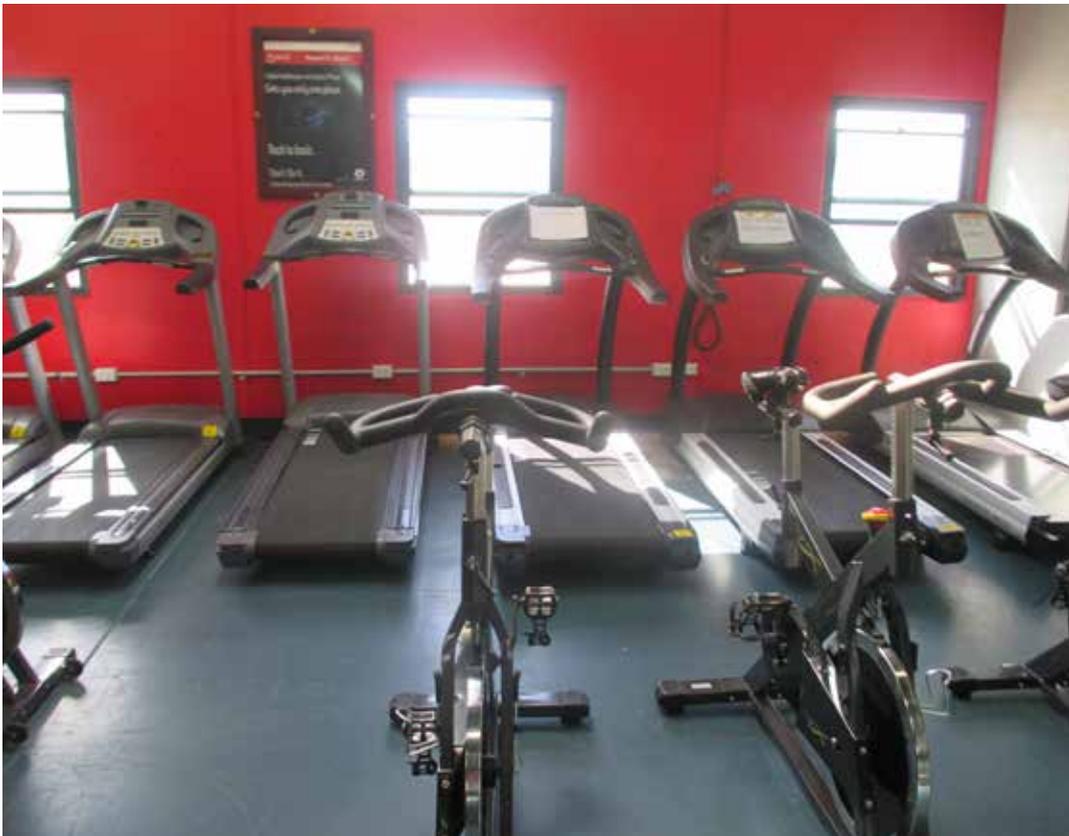
Figure 9: The treadmills in the gym out of order.

4.26 As well as restricted gym access, the oval had been closed during the months leading up to the inspection. The oval had been in poor shape due to a plague of rabbit holes and the reticulation system had been out of order since the 2013 inspection. The prisoner football program, which is hugely popular, had been cut short due a number of injuries that had occurred due to these problems. By the time of the inspection, Acacia had installed a rabbit-proof fence which eliminated most of the rabbits and the reticulation system had finally been fixed. The oval was being regraded during the inspection and was due to reopen as we were leaving.

> *Recommendation 10:*
> *Ensure prisoners have full access to recreation options as scheduled.*

MAINTAINING FAMILY CONTACT

4.27 Prisoners are encouraged to maintain and develop relationships with family and friends through visits. Visitors call in advance and book their visits. When they arrive, they are processed through the visits reception area, which has a crèche and playground for children to use while they wait for the visit to commence. Just before the visit starts, visitors are screened through the gatehouse and ushered to the visits centre. Staff in all of these areas treated visitors in a professional, courteous, and efficient manner.

Figure 10: The children's play area within the visits centre

4.28 The Acacia visits centre was spacious and bright with a children's play area and a courtyard area that was popular among prisoners who are eligible to sit there. Free beverages and fruit were provided to prisoners and their families, and a canteen was available for prisoners to purchase extra food and beverage items on the CMS kiosk. The canteen facility was a good initiative which provided a sense of normality to a prison visit and was very popular. All profits are returned to the prisoner welfare fund.

4.29 Following the Acacia expansion, visit days increased from three days to four and the number of visits per session increased from 50 to 55. On a typical visits day, Acacia processes around 500 visitors. This may seem like a high number, but in 2014–2015, there were still 654 prisoners who did not receive any visits, many because they were incarcerated too far away from their home. The Aboriginal Visitor Service confirmed this. As discussed in paragraph 3.49 the biggest complaint from Aboriginal prisoners is that many felt isolated and too far away from their family.

4.30 For visitors who can get to the prison, the visits process is therefore very good. However, more than one-third (35%) of prisoners who completed the pre-inspection survey claimed that their usual place of residence is outside the Perth metropolitan region. The largest 'out of country' group was made up of men from the Goldfields region, who made up 7.6 per cent of survey respondents. During the inspection, many men who were incarcerated away from home expressed their desire to be transferred to prisons closer to home, or at least be allowed a temporary transfer to a prison close to home to facilitate family visits. Between 1 January 2014 and 31 July 2015, only nine prisoners were temporarily transferred to another prison to facilitate visits. This was disappointingly much lower than expected.

4.31 In past inspection reports we praised Acacia for introducing Skype as an innovative and cost-effective alternative communication method for prisoners who did not receive visits [see 5.41]. In 2013 little progress was being made with further development of the technology and we recommended that all prisons, not just Acacia, should 'innovatively expand the use of Skype or other online technologies to facilitate family and community contact, official appointments, coverage of significant occasions and connection with the communities' (OICS, 2014a, p. 55). We hoped that Acacia and the Department would expand Skype access beyond just those prisoners who do not receive visits, and use the technology to facilitate additional communication with children or grandparents or visitors who simply cannot get to Acacia. Both the Department and Serco supported this recommendation, although nothing had changed by the 2015 inspection. There was still only one single Skype facility at Acacia that is available Tuesdays to Thursdays, which is not nearly enough to cater for the 654 prisoners who do not receive visits.

> *Recommendation 11:*
> *Serco should significantly increase prisoner access to Skype to facilitate family and community contact.*

4.32 As with past inspections, Acacia still facilitated incentive-based visit programs under the Family First Strategy, which was aimed at reducing the gap that develops when a family member is in prison. Incarcerated fathers with young children could attend Toddler Time visit sessions that were delivered in an environment designed to encourage positive interactions and make visiting children feel at ease. Families could be invited to Acacia three times per year to have a visit on the oval. Lifers and long-term prisoners also had the opportunity twice per year to invite their family and support networks for an evening meal or to visit them in a secure accommodation block. Acacia should be commended for recognising the important role of fathers and for facilitating stronger family relationships.

4.33 A well as regular mail, prisoners at Acacia could send and receive emails at a cost of 70 cents per email, paid for by the family member sending the email. Emails are sent through a third-party website and a paper copy is provided to the prisoner. The email program had been running for one year with awareness among family and friends slowly increasing. It is a potentially valuable option that has not yet reached its potential.

RELIGIOUS AND SPIRITUAL NEEDS

4.34 The chaplaincy services were provided by a small but very dedicated team consisting of one full-time employee and three part-time staff. Fifty-two per cent of prisoners who responded to the pre-inspection survey said they would trust the chaplains to support them if they had a problem. This was the third most preferred option after 'other prisoners' and peer support officers. Demand for chaplaincy services were very stretched despite the Department receiving a 0.4 Full-Time Equivalent increase in staff as a result of the expansion. As a result, the chaplains had to forgo their professional development program and were no longer allowed to provide chaplaincy services to staff.

4.35 The main religions at Acacia were Christianity, Islam, Buddhism, Sikh, and Hindu. The chapel was renamed the All Faith Centre to encourage use by prisoners of all religions. All services offered by the chaplaincy were non-denominational and the chaplaincy was reliant on external organisations to supply resources for example, the Islamic College providing the Koran.

4.36 Chaplaincy services and the chaplains themselves were very popular with the prisoners. Over 30 different courses were scheduled to run over the year and demand exceeded supply. An example of such a course is the Sycamore Tree, a faith-based program that brought groups of crime victims into the prison to meet with groups of unrelated offenders. The program had 55 applicants but could only take 15. Unfortunately the nature of the programs meant that group numbers had to be low to be effective, meaning that some prisoners had missed out.

4.37 The chaplaincy team submitted a proposal to Acacia management for Muslim communal prayers to be facilitated on Fridays but it was not approved. It is not clear why approval was not provided.

GRIEVING AND SUPPORT

4.38 The death of a family member can be a stressful event in anyone's life, even more so for prisoners who cannot spend grieving time with their family. If a prisoner from Acacia loses a family member or loved one, the prisoner is risk assessed and, if necessary, placed under observation. The manager of the prisoner's unit may also explore other options to support the grieving prisoner, such as locating the prisoner in a double cell with a family member.

4.39 Attending a funeral allows the mourner to openly grieve and be supported by others. In Western Australia, prisoners can apply to the Department to attend funerals under section 83 (1) (b) of the Prisons Act 1981. Not every prisoner who applies to attend a funeral should be permitted to go. Some funerals may be logistically impractical and in some circumstances it may not be appropriate for the prisoner to attend, perhaps because of the nature of their crime or at the requests of other attendees. For these reasons, we would naturally expect some applications not to be approved. In 2014, 169 prisoners from Acacia applied to attend a funeral, and 54 were approved. Two applications did not proceed, meaning that 113 (67%) of funeral applications were rejected.

4.40 Deaths within Aboriginal families bring their own cultural and spiritual element. There are significant cultural obligations for Aboriginal people to attend funerals and non–attendance may be seen as a sign of disrespect which brings with it cultural consequences. The decision to allow a prisoner to attend a funeral is often beyond the control of Acacia management, however, the prison is left to deal with the consequences resulting from a funeral application being denied. Acacia's Aboriginal Prisoner Action Strategy identified and acknowledged the additional stress felt by Aboriginal prisoners who cannot attend funerals but only listed one action – 'to facilitate the recording of eulogies from Aboriginal prisoners to be delivered to families prior to the funeral service'. This was indeed an innovative response to an unfortunate situation that may help both the prisoner and the family to deal with grief, but more could be included in the strategy such as: facilitating transfer closer to home for visits, introducing flexible visiting schedules to allow additional grieving time with families, and other culturally appropriate activities.

4.41 Although not specifically included in the Aboriginal Prisoner Action Strategy, Acacia had on occasion used online video technology to transmit funerals to the prison. One such 'Skype' funeral occurred midway through our inspection. The deceased was the brother of an Acacia prisoner and had spent time in Acacia, so was well known. The funeral was broadcast from a smartphone and the image projected onto the wall of the gymnasium, where 60-70 prisoners attended. The video and audio feed was poor quality and visuals were negatively affected by the light streaming in from the skylights. There was frequent interference, and signal drop outs but no one seemed overly concerned with this. While the technology was not the best, it was good to see Acacia supporting prisoners to grieve together. As mentioned in Recommendation 11, Acacia should continue to innovatively use Skype to support grieving prisoners, and explore other ways that the technology can be used to facilitate communication. Other prisons around the state should explore using online technology to assist with the grieving process.

COMPLAINTS AND GRIEVANCES

4.42 There were various mechanisms available for prisoners at Acacia to submit a complaint or grievance. Prisoners were encouraged to submit minor complaints to officers in their unit. If prisoners were not satisfied with the response or if they had a more confidential or complex complaint, they could complain via a free phone call to the Department's complaint body known as the Administration of Complaints, Compliments, and Suggestions Scheme (ACCESS) or using the free confidential mail system to write to external agencies such as the Ombudsman or the Minister for Corrective Services.

4.43 Prisoners were concerned about the lack of confidentiality surrounding mail placed in the confidential mail box. The mail boxes were in plain sight of staff which restricted confidentiality. The mail slot was also large enough for other prisoners to reach their hand in and remove mail. Prisoners were also confused about the level of confidentiality surrounding mail sent to external agencies. The mail should not be opened before it reaches its intended addressee however, once the addressee has received the complaint, sometimes the only way to deal with it is to refer it back to the prison, which is regularly done. Individual complaints can be difficult to resolve externally without involving the prison, therefore bringing into question just how confidential the prisoner's complaint is. For this reason, the peer support team at Acacia do not promote or encourage prisoners to make complaints using the confidential mail system. This needs to be addressed by Acacia management.

LEGAL RESOURCES

4.44 The legal library at Acacia consisted of a computer laboratory with workstations and eight computers. There was a second room where the legal resources were stored and an additional computer which had the comprehensive case citatory software program – Case Base – installed on it. A disc with Case Base had also been downloaded for the computer available to protection prisoners.

4.45 One of the main challenges for the legal library is that legislation is constantly being updated. For example the *Migration Act 1958* had just been amended, and the new laws impact heavily on non-Australian citizens in prison. It was not easy at Acacia to keep up-to-date with all the changes and access updated legislation in a timely manner. In addition, legal material is very costly and the library has a limited budget.

Chapter 5

MANAGEMENT OF PRISONERS

RESPONSIBLE PRISONERS

5.1   Prisoners who adhere to the 'responsible prisoner' lifestyle can be rewarded and progressed to a higher level of privileges, known as enhanced supervision. Rather than being based solely on good behaviour, Acacia has introduced a model whereby the prisoner must demonstrate that he is positively working towards addressing his offending behaviour. This includes behaving in a non-violent manner, complying with offender program requirements, keeping areas clean, treating others fairly, achieving at work, cooperating with staff, and demonstrating respect for the rules and routines of the prison. The enhanced supervision prisoner can then choose to stay in his existing accommodation or move to self-care accommodation. Prisoners whose behaviour diminishes while on enhanced supervision may be regressed to standard supervision and lose their self-care accommodation.

MANAGING POOR BEHAVIOUR

5.2   With a population close to 1,400, Acacia was likely to experience a reasonable number of incidents where prisoners misbehaved. To maintain the good order and security of the prison, Acacia had introduced a behavioural management system to correct the behaviour of prisoners who were disobedient, disruptive, or broke prison rules. Such behaviour could include being found out-of-bounds, smoking indoors, or other minor infractions that do not warrant a formal prison change.

5.3   The corrective action handed down to the prisoner depended on the severity of the behaviour. For a minor, first-time offence an officer could try to resolve the issue using positive communication, negotiation, or mediation. Alternatively, the officer could give the prisoner a formal verbal warning. However, if a prisoner demonstrated behaviour that was unlikely to be corrected using these methods, an officer could recommend that the prisoner's privileges such as recreation time or television be temporarily removed, or that the prisoner be placed on a Behavioural Management Plan. Failing these solutions, an officer can recommend that the prisoner be placed on a restrictive regime of basic supervision or close supervision.

Behaviour Management Plans (BMP)

5.4   A BMP is designed to give staff and prisoners clear guidelines, instructions and expectations to monitor the conduct and behaviour of prisoners whose behaviour does not warrant regression to a restrictive regime. Each BMP is generated and tailored to the specific needs of the prisoner. For example, if a prisoner is constantly being found to be out-of-bounds, a BMP may outline that the prisoner is not to be found out-of-bounds for the next four weeks. The prisoner signs an agreement acknowledging that if he breaches the BMP he risks being placed on a restrictive regime. Officers at Acacia reported that prisoners generally comply with the conditions in BMPs and the tool works well to correct poor behaviour.

5.5   BMPs are an innovative, structured behavioural management solution that not only allow for prisoners to adapt their behaviour before formal actions are applied, but also help to manage prisoners at a residential level. This in turn frees up cells in the crowded

Detention Unit. Unfortunately the awareness of BMPs among Acacia staff was low, leading to underuse of the tool; however, Acacia did have a plan to encourage more officers to consider using it as an alternative method for correcting behavioural problems. We support this plan. This Office would also like to see Acacia keep formal records of the success and failure rate of BMPs to assess their true value.

Basic Supervision

5.6 A prisoner may be placed on a basic supervision regime if he constantly fails to meet the required standard of behaviour of the prison. The prisoner is managed under a restricted regime in his residential unit for 14 days. During this time, he cannot attend recreation, his canteen purchases are restricted, his phone calls are capped at 10 minutes, and he cannot use the vending machines. The prisoner still attends work and education, and can still receive visits. At the time of the inspection, there were 14 prisoners on basic supervision regimes.

Close Supervision

5.7 Prisoners are considered for close supervision if they display continual or serious nonconformist behaviour such as disobeying instructions, or if they pose a threat to the good order and security of the prison. A prisoner may also be placed on a close supervision regime if he breaches his BMP, or if his behaviour is unacceptable while on basic supervision.

5.8 Close supervision prisoners are confined to a cell for an initial period of seven days, with no privileges afforded to them such as social visits, television, music, or recreation. Prior to the expansion, prisoners on close supervision could be managed in the residential units because each unit had a designated cell where they could be confined. However, when the prison population expanded the management cells in each unit were converted into regular cells, forcing most close supervision prisoners to be managed in the Detention Unit.

5.9 Prisoners could still be managed on close supervision in the units but the process was described by unit staff as an 'operational nightmare'. Close supervision prisoners could not be confined to a cell that is shared with another prisoner, and finding a suitable single cell in the unit could be problematic. Most units were already operating at full capacity and many cells were occupied by two prisoners, meaning that a well-behaved prisoner who had earned a single cell may have to be moved into a shared cell to make space for the misbehaving prisoner. This not only disrupts operations in the unit, it essentially undermines the incentive system designed to reward prisoners who demonstrate good behaviour.

5.10 The idea of housing close supervision prisoners in the units, where practicable, is a clever stepping stone back to mainstream living. It not only allows for prisoners to be slowly integrated back into the unit but it also frees up space in the very crowded Detention Unit. Acacia and the Department should explore the option of introducing management cells back into the units, without reducing the number of single occupancy cells.

PUNISHMENT

5.11 A prisoner who commits a prison offence may be charged under section 69 or section 70 of the *Prison's Act 1981*. Section 69 offences are considered more minor offences and include disobeying rules, behaving in a disorderly manner, indecent language, damaging property, and so on. The more serious section 70 aggravated offences include returning a positive urine result, assaults, behaving in a riotous manner, escapes, being in the possession of a weapon, or failing to submit for a drug test.

5.12 After an incident occurs an officer can refer a charge to their unit manager, who can recommend if a prisoner should be charged. The prosecutions officers at Acacia determines if there is enough evidence to charge a prisoner, and if so, the charge proceeds. In the 12 months leading up to the inspection, Acacia prosecutors progressed 1,319 prison charges. Just over half (52%) were section 69 offences, mostly for insubordination, misconduct, or disobeying a rule.

5.13 Section 69 charges are heard at the weekly Superintendent's parade. As the Director of Acacia is not officially recognised in the *Prison's Act* as a 'Superintendent', a visiting Superintendent, usually from the nearby Wooroloo Prison Farm, attends Acacia to hear the charges. If a prisoner is found to be guilty of a section 69 offence, the Superintendent can issue a warning or a reprimand, or can remove the prisoner's privileges for a period no longer than 14 days.

5.14 We observed the weekly Superintendent's parade at Acacia, and noted that the Superintendent was very fair and thorough. She invited witnesses to give evidence, reviewed Close Circuit Television (CCTV) footage and requested records from the offender database. She provided each prisoner with a chance to have their say, and dismissed one case where the evidence was insufficient.

5.15 Section 70 charges are heard before a Visiting Justice. Most of the section 70 charges at Acacia have been assault charges or drug and alcohol related charges. A Visiting Justice can order a prisoner found guilty of a section 70 charge to be confined to a cell in the Detention Unit for a period of up to seven days. At Acacia, however, the Detention Unit was regularly crowded which restricted the number of cells available to place prisoners under punishment [see 5.21]. This restricted the numbers of charges that the prosecutors could present before the Visiting Justice each week and resulted in significant delays in dealing with charges. The backlog of outstanding charges was about three months, with only five or six charges being heard each week. This was unacceptable as the lengthy delays in having a charge heard may undermine the effectiveness of the charge process. In the 12 months leading up to the inspection, a further 21 section 70 charges were withdrawn because the offender was released before the charge could be heard. Acacia should explore options to reduce the backlog of section 70 charges and have charges heard as early as possible.

THE DETENTION UNIT

5.16 The Detention Unit at Acacia contained 30 single transient cells intended for prisoner confinement. Prisoners could be placed in the Detention Unit for punishment, close

supervision, under investigation, for safe placement, to manage a situation where a prisoner is suspected of deliberately ingesting contraband, for urine testing, while waiting to be transferred to maximum-security, or when the crisis care unit is full. All prisoners confined to the Detention Unit are managed under some sort of a restricted regime.

5.17   In 2013, this Office was concerned because some prisoners had been kept in the Detention Unit for more than 50 days on very restricted regimes (OICS, 2014a, p. 25). Many of these prisoners were kept there for their own protection or because their situation made it difficult for them to mix with mainstream and protection prisoners. Acacia's approach to managing these prisoners for long periods in the Detention Unit seemed unfairly punitive and distressing for the prisoners involved. In the 2013 inspection report, we recommended that Acacia 'examine alternative options to using the Detention Unit for managing prisoners on restricted regimes or who require additional protection' (OICS, 2014a, p. 25).

5.18   Positively, Acacia part-actioned our recommendation and introduced a new multidisciplinary case conferencing model for prisoners who were placed in the Detention Unit under special placement. The committee involved with the case conference reviewed the circumstances of prisoners who were not under punishment or close supervision in an attempt to reduce the amount of time they spent in the Detention Unit.

5.19   The inspection team observed a Detention Unit case conference which was attended by representatives from security, medical, peer support, prisoner counselling service, and residential, and which was chaired by the Safer Custody Manager. The committee discussed the placement of a prisoner who was claiming to be under threat, but was not willing to disclose who he was feeling threatened by. After reviewing all the information provided by each representative, the Safer Custody Manager in partnership with the security team, arranged for the prisoner to be moved into a unit which they felt would be a safe option. Overall, the prisoner spent less than one week in the Detention Unit while staff reviewed safe placement options for him.

5.20   It was good to see Acacia actively addressing the issue of prompt placement for prisoners under threat. Some may argue that placing the prisoner in the Detention Unit to begin with seemed unfair, particularly as the prisoner was an alleged victim and who had not committed a prison offence or misbehaved. Some prisoners also complained to inspection staff, claiming that they tend not to report threats of violence and bullying because they did not want to be placed in the Detention Unit under a restricted regime [see 3.31]. However, unless the prisoner is willing to speak up and disclose who is threatening him, there is very little Acacia can do except to temporarily isolate him from potential threats until they can find a more suitable placement.

5.21   Despite Acacia's efforts to promptly move people out of the Detention Unit, the unit itself was under enormous pressure. Not only was the closure of the management cells in each units creating more demand for Detention Unit cells [see 5.8], but the Detention Unit was also an area of the prison that had not been upgraded as part of the expansion. Essentially, the unit had to service a prisoner population that was 40 per cent larger

without additional cells or staffing.

5.22 In 2013, we were concerned that such a high risk area of the prison was only staffed during the day by two officers (OICS, 2014a, p. 25). Two staff members were not enough to operate the unit, particularly as some prisoners were on regimes that required two to three staff to be present just to unlock the cell. Acacia management agreed that the number of staff on duty in the Detention Unit should be at least three.

5.23 During this inspection, we found that little had changed. The Detention Unit was still only staffed with two officers. A third unit manager was available to assist but was not permanently stationed in the Detention Unit. Additional staff from the medical centre or the Assisted Care Unit could be called in to help but this system was not working. We regularly saw the officers in the Detention Unit attending to issues in the unit, leaving the movement control office unmanned. It is important that someone is available in the movements office throughout the day to answer the phone, electronically unlock doors, record events, organise backup staff in case of emergency, and to respond to the prisoner emergency cell call system. Leaving the movements office unmanned created an unnecessary risk in an already volatile environment.

5.24 Some of the daily activities such as cleaning, searching, and securing cells after a prisoner had been released from the Detention Unit were not always completed due to a lack of time and staff availability. This created a higher risk for trafficking contraband between a prisoner leaving the cell and the next prisoner to occupy the cell. These issues are important for the safe running of the Detention Unit and are by no means a reflection of the dedicated staff working in the Detention Unit.

> *Recommendation 12:*
> *Increase the number of staff permanently stationed in the Detention Unit, and protect these positions from being cross deployed to other areas of the prison.*

ANTI-BULLYING AND SAFER CUSTODY

5.25 Unfortunately, not all poor prisoner behaviour can be addressed and managed effectively, particularly when the behaviour goes unnoticed by staff or when staff are unable to identify perpetrators of assaults. This is a challenge that all prisons face and is not at all unique to Acacia. The consequence is that some prisoners can end up being victims of violence, bullying, and intimidation. Acacia is not immune to such threats, and disappointingly 22 per cent of prisoner respondents in the pre-inspection survey claimed that they did not feel safe at Acacia. Alarmingly, these results were higher than in 2013 and higher than state averages. Prisoners stated that 'bullying', 'gangs', 'standovers', and 'minimal staff supervision' contributed to them feeling unsafe.

5.26 Acacia has established a safer custody committee to minimise violence and to create a safe and secure environment for prisoners free from intimidation. The multidisciplinary team was made up of representatives from health care, peer support, security, residential, training, chaplaincy, resettlement, sentence management, programs, and the prisoners'

work area and was led by the Safer Custody Manager. The committee met monthly to manage perpetrators of violence, to identify and support victims of violence, and to reduce the incidences of prisoner assaults, standovers, and bullying.

5.27 Acacia had a very rigid process for dealing with assaults when a perpetrator was identified. A thorough investigation was carried out and, if the evidence suggested that an incident did occur, appropriate disciplinary action would be taken. However, the issue becomes complicated when staff suspect an assault has occurred but the victim either claims he was not assaulted or refuses to disclose the name of the perpetrator. Even after thorough investigations are carried out, staff are sometimes unable to act because of lack of evidence.

5.28 To try and combat the amount of unreported violence throughout the prison, Acacia was in the process of establishing two safety registers. One would be completed by medical staff who see injuries consistent with an assault, and the other completed by the Safer Custody Manager when an incident appears to be an assault but there is not enough evidence to prove so. The information from both registers will be triangulated with information from the security team to create a better understanding of patterns, and to equip Acacia to implement preventative measures against violence and bullying. At the time of the inspection, the registers were yet to be fully rolled out; however, we strongly support the idea and look forward to reviewing the outcomes. If effective, the Department should consider replicating similar strategies within state managed prisons.

Recommendation 13:
(a) Ensure Acacia's new strategy to minimise prisoner violence and bullying is fully implemented,
(b) the strategy is reviewed to measure its effectiveness and impact on violent incidents and prisoner safety, and (c) if favourably reviewed, the Department implement similar strategies to address prisoner bullying and violence.

Chapter 6

HEALTH SERVICES

HEALTH CARE

6.1　The highest number of complaints and concerns received from prisoners and staff during our time on site related to health services. The high number of health related complaints made to Independent Visitors, to the Department, and in the pre-inspection prisoner survey also evidenced prisoners' frustrations with health services. The pre-inspection prisoner surveys revealed that only 33 per cent of respondent rated Acacia's health services as 'good'. This was well below the three year state average of 51 per cent and below the 40 per cent that rated medical services as 'good' during the 2013 Acacia inspection.

6.2　Prisoners overwhelmingly complained about the wait time to see a doctor. At the time of the inspection, the wait time had recently reduced from an average of 10 weeks to four weeks. This was still far too long and beyond general community standards. To help reduce waiting times, Acacia had just introduced a full-time Nurse Practitioner position to support the general practitioners and enable them to prioritise appointments. However, the role of Nurse Practitioner was not completely bedded in and presented as disjointed and lacking structure. The Nurse Practitioner assisted with morning triaging services and treated prisoners with relatively straightforward issues such as respiratory, skin, and wound management. While it was useful to have an extra generalist available to assist with acute health care needs, the role sometimes inadvertently acted as a 'pathway' to see the doctor, creating additional layers and longer waiting times for prisoners. The position would be better utilised, and would lead to less double handling if it was structured to meet a particular need, such as treating blood-borne viruses or working with diabetics.

DENTAL CARE

6.3　Commendably, Acacia is the only prison in the state that provides a full-time on site dental service. We have continuously praised the dental service at Acacia for providing restorative care to prisoners, rather than simple tooth extraction that we see at other prisons (OICS, 2014a, p. 59; OICS, 2011, p. 38). The dentist is passionate about oral care and believes that restoring teeth is important to the overall wellbeing and health of patients, and can be done at a comparable cost to extraction.

6.4　Unfortunately, dental services at Acacia had not been coping with demand for some time, and this was causing lengthy delays for prisoners waiting for dental work. This was reflected in the prisoner survey, where only 19 per cent of respondents thought that dental services were 'good', down from 27 per cent two years ago. The dental nurse took extended personal leave just as the prisoner population was increasing, and was not replaced for many months. Without a dental nurse, the dental surgery could not operate and the wait list continued to grow. The dentist had recently been provided with a temporary full-time dental nurse but it had taken 13 months to secure the position.

6.5　Two recent policy changes were adding to the already extended waiting periods. Prior to the expansion, prisoners could only access restorative work if they were sentenced to more than 18 months. This allowed the dentist to reasonably manage demand for acute emergency care and for adequate time to provide care. However, management had

recently decided that any prisoner could access restorative or cosmetic work regardless of their sentence length. Dental staff were now required to process patients on a first come, first served basis, unrelated to the length of their sentence. This was clearly causing angst for the dental staff and adding an increased level of pressure to the service.

6.6   The second policy change was a result of an incident where a prisoner who complained of dental pain on a Saturday was rushed to hospital, and almost died. There was no medical evidence that the prisoner's condition was caused by his dental issue, however, Acacia reacted by directing the dentist to see any prisoner who attended the medical centre complaining of an emergency dental need. Prior to this incident, the health centre staff were able to triage individual prisoners, and if it was determined to be an emergency, the dentist would see the prisoner in between scheduled appointments. Under this system there were around three dental emergencies per month. The change in policy means that the dentist has to personally assess all prisoners who want emergency dental services. Not surprisingly, prisoners are increasingly opting to turn up with 'emergencies' rather than wait for an appointment. Three appointments per day are allocated for emergencies, with most taken up by prisoners who are trying to 'queue jump'.

6.7   The additional demand of the expansion, coupled with the two policy changes and staff resourcing issues have meant that the waitlist has grown and dental services have shifted from best practice to a practice based around acute treatment with no time for restorative care.

MENTAL HEALTH CARE

6.8   The mental health team at Acacia consisted of a mental health coordinator, three mental health nurses, and a single external psychiatrist who was contracted to provide services for only half a day per week. At the time of the inspection, all three mental health nurse positions were substantively vacant, and had been so for some time, leaving the coordinator as the sole substantive mental health resource.

6.9   Psychiatric services at Acacia were not even remotely meeting the needs of the prison's population. The psychiatrist had time to see only around 10 to 12 prisoners per week. Two of these appointments were reserved for new intakes who had been assessed as requiring psychiatric services. However, given the backlog some clients who had been transferred to Acacia as part of the 'fill' had been on the wait list for their initial psychiatric assessment for over 10 months. A further two appointments were reserved for patients being discharged to freedom. At the time of the inspection four appointments were taken up by clients who were waiting for beds at the Frankland Centre, the secure psychiatric ward of Graylands Hospital. This left very little time to provide ongoing psychiatric care for the 140 to 160 clients on the wait list.

6.10   The shortage of staff in the mental health team was leading to patients being seen on an increasingly ad hoc basis. Staff reported that mental health care was delivered on a purely reactive basis, most often sparked from a particular event or crisis. It was clear that the health professionals in this area did not have time to develop long-term strategies or programs to assist patients in a proactive and sustainable way. There is no doubt that in

order to improve mental health, patients need to have ongoing access to care so that future episodes or issues can be averted or at least mitigated. The situation was presenting significant risks to patients, to Acacia, and to the Department.

> *Recommendation 14:*
> *Significantly increase psychiatric services at Acacia.*

HEALTH CARE FOR ABORIGINAL PRISONERS

6.11 Acacia commendably has employed an Indigenous Enrolled Nurse for the past 2.5 years. At the time of the last inspection, when the nurse had only just commenced, we commended him for the important work that he was doing. Aboriginal prisoners were more engaged with the health care centre and the nurse was providing cultural awareness training to health care staff and peer supporters. During liaison visits between inspections, we regularly observed the nurse in units, speaking with Aboriginal prisoners who would not present to the medical centre with their issues.

6.12 In 2015 we were disappointed to hear that the role of the Indigenous Enrolled Nurse was under pressure and many of the health initiatives were no longer running. Despite Acacia's Aboriginal population being so large, the nurse did not have his own office where he could meet with patients confidentially. Both prisoners and the nurse himself wanted to spend more time liaising with prisoners in their units, but the role required him to remain predominately in the health centre. There would therefore be benefit in Acacia reviewing the role of the Indigenous Enrolled Nurse to ensure the nurse's skills, qualifications, and cultural expertise are maximised.

PSYCHOLOGICAL WELLBEING SERVICES

6.13 It is also important to understand that mental healthcare should not be viewed solely as psychiatric work. There are a number of other clinicians in the Psychological Wellbeing Services (PWS) team who are involved in supporting patients who are suffering from depression or other psychological health problems.

6.14 Up until January 2015, 12 psychologists worked in the programs team at Acacia to provide a dual service of counselling and program facilitation. However, only one of those psychologists was dedicated to counselling and the remainder of the resources were primarily dedicated to program delivery. Without sufficient counselling resources, Acacia was only providing support for prisoners who had been left unwell and untreated for so long that they ended up developing an acute risk of self-harm. To provide a more thorough service, the PWS team was established to deliver counselling, manage at-risk prisoners, the peer support program, and the demand for illicit substances.

Counselling

6.15 PWS offers individual and group counselling services aimed to assist prisoners adjust to prison, to address offending behaviour, to treat substance abuse, and to help with ongoing difficulties experienced while in custody. The new team is now made up of eight full-

time positions, all dedicated to prisoner counselling. A prisoner can approach any staff member in the prison and request counselling. Each request is risk assessed and prioritised based on the prisoner's level of urgency.

6.16 There are no performance measures specifically relating to counselling, so the head of PWS has established internal benchmarks to ensure best practice standards are achieved. At the time of the inspection, the counselling service was just being established, however, one of the internal benchmarks was to decrease waiting times to see a counsellor to two weeks. If achieved, this could significantly reduce, if not eliminate, the problem of prisoners being left untreated, ending up in crisis, and self-harming.

Managing Prisoners At-Risk

6.17 Prisoners who are at acute risk of self-harming may be placed on the At-Risk Management System (ARMS). They may be placed on ARMS if they self-harm, attempt to self-harm, or if they display signs that they are not coping. A multidisciplinary committee, chaired by the Safer Custody Manager, oversees the management and monitoring of ARMS prisoners, but ultimate responsibility for monitoring the prisoner is left to the unit managers. PWS provides a clinical governance role for the ARMS process.

The Support and Monitoring System (SAMS)

6.18 SAMS is a state-wide program designed to provide additional support and monitoring to prisoners who are finding it difficult to cope in a custodial environment, but are not acutely at-risk of self-harming. SAMS was described to us as the 'poor cousin of ARMS', an area often forgotten about and misunderstood by most staff working at Acacia. The PWS team has been building the SAMS portfolio at Acacia and designing it for prisoners with mental health issues and disabilities. At the time of the inspection, there were around 60 prisoners on SAMS.

6.19 Before PWS was established, there was no formal structure for the management of prisoners on SAMS, which left many SAMS prisoners forgotten about. Now, SAMS cases are reviewed weekly by a multidisciplinary team consisting of residential staff and chaired by PWS. Each prisoner on SAMS is assigned a primary support person, usually a psychologist from the PWS team, who monitors and tracks the prisoner's progress. A care plan containing risks and actions are developed after each meeting.

6.20 The unit staff are provided with a copy of the prisoner's care plan, to ensure each prisoner on SAMS receives ongoing monitoring and is managed according to the care plan. For example, a plan may require residential staff to encourage a prisoner to engage in art or music activities, or staff may be required to nominate an appropriate prisoner carer to help the SAMS prisoner with day-to-day living. The new structure for the management and monitoring of SAMS prisoners places more responsibility and ownership on unit staff, with clinical governance provided by PWS psychologists.

6.21 Unfortunately, despite the good intentions and hard work from the PWS team, SAMS had not received sufficient support from other areas of the prison. Residential staff were busy prioritising operational needs of the residential areas, and non-custodial support

areas such as education and chaplaincy were yet to be involved in the monitoring and management of SAMS prisoners. This was disappointing and we hope to see more areas at Acacia become involved so that chronically at-risk prisoners are suitably supported before they become acutely at-risk.

PEER SUPPORT

6.22 The peer support team is a valuable resource at Acacia. The team consists of volunteer or employed prisoners who provide support to other prisoners who may be feeling vulnerable in the prison environment. Fifty-eight per cent of the prisoners who responded to our pre-inspection survey said they would trust peer support to help them if they had a problem, making them one of the most trusted groups among prisoners.

6.23 The peer support team had increased in size from 15 prisoners in 2013 to 38 prisoners in 2015. The peer support team is managed by three Prison Support Officers (PSOs). Each PSO and peer support prisoner has undertaken the Gatekeeper suicide prevention course, and work closely with the health centre and residential staff. The team previously reported to the Safer Custody Manager but now report to the head of PWS. Moving the team into an area supervised by mental health professionals ensures that the psychological wellbeing of both PSOs and peer support prisoners is appropriately managed, and additional counselling and support services are provided.

6.24 The peer support role, while incredibly important, may be psychologically draining particularly when team members are dealing with other prisoners' personal issues on a daily basis. For this reason, new psychological assessments will be introduced by the PWS team, to determine if potential peer support prisoners are suitable for the job.

6.25 We found the peer support team functioning well at Acacia. They have a real presence across the prison, even despite the significant expansion of the site. A peer support prisoner is involved in the induction process and spends one session of the week-long induction program explaining the role of peer support at Acacia to the new prisoners.

6.26 We had many opportunities to observe and experience the peer support team in action over the course of the inspection. Members of the inspection team were invited to observe a weekly peer support workshop facilitated by one of the PSOs and attended by the peer support workers. Each week they workshop a different topic. During the inspection we observed a brainstorming session during which ideas for career pathways from prison to external employment were discussed. The PSOs mentioned various other workshop topics they had covered, such as arranging the prison health exhibition, parole planning, and the role of peer support. We were impressed with this initiative which indicates a commitment to continuous improvement in the peer support system at Acacia, and a level of energy and motivation among the PSOs not commonly observed in inspections of other facilities.

MANAGING ADDICTIONS – ACACIA'S DRUG STRATEGY

6.27 Substance misuse in prison has the potential to cause significant harm to prisoners, staff, visitors, family, and the community. It also substantially contributes to problems such as

unpredictable behaviour, increase of mental health problems, standover, bullying and violence, risk of infections and blood-borne viruses due to sharing of needles, risk of overdose and death, and pressure on family and friends to traffic products into the prison. It would be naïve to believe that prisons are drug-free environments, including Acacia. In fact, an overwhelming number of Acacia prisoners in the pre-inspection survey openly commented that there is too much drug activity happening at the prison and they felt unsafe and afraid of catching a blood-borne virus from a contaminated needle.

6.28 Acacia has developed a drug strategy to address both the supply and demand of illicit drugs, while reducing the health and safety risks associated with drug use. As part of the drug strategy a multidisciplinary committee has been established made up of attendees from PWS, the health centre, reduce reoffending, security, and programs teams. Each member is responsible for driving various arms of the drug strategy, those being: supply reduction, demand reduction, and harm reduction.

Supply Reduction

6.29 Acacia's objective is to make the prison drug-free through coordinated methods of detection and deterrence. Security initiatives to combat the supply of drugs at Acacia are discussed in Chapter 2, although it is important to note that drug committee meetings discussed supply reduction issues, such as incentives versus punitive actions and canine training. Discussing these sorts of supply reduction issues among a multidisciplinary committee provides additional input from specialists outside of the security team who may be able to bring a different perspective to the table. It also highlights drug supply issues among senior managers who can drive forward initiatives and make strategic changes.

Demand Reduction

6.30 Acacia aims to provide a range of education, treatment, and interventions to reduce the incidences of substance abuse at Acacia, and subsequently reduce demand. Under the previous performance measures, Acacia was expected to offer support to prisoners who were found guilty of testing positive to an illicit substance. Ideally, a measure such as this would reduce demand by directing prisoners towards interventions that would, in turn, assist the prisoner to stay away from drugs. In reality, the performance measure solely measured Acacia on whether or not support was offered to prisoners, and did not measure prisoner participation in intervention programs or the effectiveness of performance measure in reducing the demand for illicit substances.

6.31 Subsequently, a new performance measure was introduced that now requires Acacia to provide a support and treatment plan to all prisoners who are found guilty of testing positive to an illicit substance twice or more within a 12 month period. The support and treatment plans are completed by the PWS team. PWS collect information about the prisoner's drug history, contributing/risk factors and support mechanisms and, based on this information, recommends suitable interventions. Interventions may include participation in voluntary drug and alcohol programs, referral to the GP, external referrals, or link-ups with internal support services such as chaplaincy or peer support.

6.32 Acacia are on track to reach this new performance measure. In the first month Acacia recommended 16 support and treatment plans. Of these eight were completed, four were mitigated, and four prisoners signed waivers to not participate. However, even though Acacia are meeting performance expectations, they acknowledge that there are not nearly enough interventions to offer to prisoners on support and treatment plans, let alone the wider prisoner population struggling with addictions. Our pre-inspection survey results indicated similar concerns, with prisoners commenting that they found it hard to get help for their drug and alcohol additions. An internal analysis conducted by Acacia identified potential opportunities to introduce more voluntary programs, support networks, group therapy, and health and fitness sessions. Acacia should follow through and provide more support and interventions for prisoners struggling with drug and alcohol addictions.

> *Recommendation 15:*
> *Provide more support and interventions for prisoners struggling with drug and alcohol addictions.*

6.33 In 2014, Serco submitted a proposal to the Department for funding to set up a therapeutic community, designed to treat individuals recovering from substance abuse. The community would have been set up to replicate the environment of external rehabilitation facilities, with an offering of individual and group counselling, voluntary drug testing, and other behavioural therapies. The Department rejected Serco's proposal to introduce a therapeutic community at Acacia, because the Department did not want Serco to commit to too many projects and lose focus on developing rehabilitation opportunities within the Young Adults' Community.

6.34 Acacia has also explored the opportunity of introducing a drug court, similar to drug courts in the community, where prisoners who are found guilty of a drug or alcohol offence while in prison would be offered rehabilitation options instead of punishment. We support any rehabilitation program that can be offered to prisoners struggling with addictions, however, the introduction of drug courts will require a significant amount of investment in interventions, and will require the legislation mandating prisoner punishments to be altered. This is a big job and would need to be driven by the Department.

Harm Minimisation and Drug Education

6.35 A harm minimisation philosophy accepts that drug use cannot be completely eliminated from a prison, and therefore focuses on decreasing the harms associated with injecting drug use. The fear of contracting a blood-borne virus from a contaminated needle appeared to be prevalent at Acacia, with many respondents to the prisoner surveys (both drug users and non-drug users) asking for a solution to minimise the risk.

6.36 The health centre runs the compulsory Health in Prison, Health Outta Prison (HIP HOP) program when prisoners first arrive at Acacia, which looks at issues that increase the risk of contracting and spreading blood-borne viruses including unprotected sex, unclean tattooing, and needle sharing. However, prisoners, particularly those on long sentences, requested more regular, ongoing training to remind the prisoner population of

the dangers of needle sharing. Tattooing also poses very significant risks as, again, prisoners will use unsterilised equipment.

6.37 Interviews with medical staff revealed that illegal drug use by prisoners was one of the biggest issues facing the medical centre. Clinic staff believe that there are an alarmingly high number of prisoners with hepatitis C, around 300 prisoners, many of whom have contracted the disease from sharing needles in prison. Staff reported anecdotally that one needle is often shared around an entire block, and a review of the prisoner database shows that since the beginning of 2015, 22 incidents were logged where a prisoner at Acacia was found in possession of a syringe or tattoo needle. Perhaps more alarming is that there is no blood-borne virus nurse at Acacia, and as a consequence, only one prisoner is being treated for hepatitis C. Medical staff are concerned about the inadequacy of treatments and the long-term effects on prisoner health. The potential impact on public health must also be recognised as a result of the prisoners' eventual release. Staff are also noticing that acute hepatitis is contributing to many health issues and many critically ill prisoners have presented with recent drug use as part of their medical history.

6.38 We heard conflicting stories about options for cleaning needles or tattooing equipment. Acacia management said that bleach tablets were available to prisoners but no one in the medical centre knew of this, nor of any other option for prisoners to clean or exchange 'sharps' in the prison.

6.39 The issue of intravenous drug use in prison and the spread of blood-borne viruses is not new or unique to Acacia. In the 2011 inspection report of Bunbury Regional Prison, eight cases of prison-acquired hepatitis C were identified, one was confirmed to have been contracted from Bunbury Regional Prison, but the others were from unknown prisons (OICS, 2012, p. 47). In the 2015 inspection report of Hakea Prison we recommended that the Department 'provide access to effective cleaning agent to all prisoners for the purpose of reducing transmission of blood-borne viruses through the sharing of tattooing instruments and needles' (OICS, 2015, Recommendation 12). The Department initially responded to this recommendation, claiming that '[T]he introduction of specific harm reduction strategies such as effective cleaning agents and or a needle/syringe program is difficult due to the security and safety risks posed to prisoners and custodial staff'. While there are some risks attached to providing prisoners with the means to clean or exchange needles, the current risks of potentially spreading blood-borne viruses to prisoners and staff cannot be ignored or downplayed. In 2006, the National Drug and Alcohol Research Centre surveyed 246 prison officers. Of these, 17 (or 7%) had experienced a needlestick injury, which could have been prevented if safe needle handling was introduced.

6.40 There are no needle exchange programs in any prison in Australia, but needle exchange programs have been operating for years in countries such as Germany, Switzerland, and Spain without any reported adverse outcomes (Web Management, 2014). There have been no cases in Germany, Switzerland, or Spain where prison needle exchange programs have resulted in increased drug use or violence against prison staff (Lines et al, 2006). After a decade of operating a needle exchange program in Spain, research concluded that

hepatitis C infection within prison fell from 40 per cent to 26.1 per cent and HIV infection fell from 21 per cent to 8.5 per cent (Web Management, 2014).

6.41 It is extremely unlikely that any Western Australian government will open up the question of needle exchange in prisons for the foreseeable future. However, the reality is that drugs and tattooing are in all our prisons and it is time for serious discussion of how the system can best respond to the risk of harms associated with injecting drug use and other use of 'sharps'. And the risks are not just to prisoners but, on release, to their families and the wider community. It is a public health issue, not merely a prisoner or prison health issue, and Acacia appears to be a good place to trail new approaches which, if successful, could be rolled out to the system as a whole.

> *Recommendation 16:*
> *Trial initiatives to reduce the risks of blood-borne viruses at Acacia, with a view to system-wide improvements.*

6.42 The Acacia health care centre has employed one specialist to manage addiction services, however, due to high demand, their primary role is to dispense methadone. The Department funds the methadone program at Acacia and limits the number of prisoners on the program to 80. This did not increase with the expansion. There is a long waitlist for prisoners wishing to be placed on the methadone program, which in itself creates a major risk of prisoners using or seeking drugs to treat their addiction. Sadly prisoners who have been on the waiting list for methadone expressly tell us that they are turning to illicit drugs to treat their addiction while waiting to commence the program. The cap on methadone needs to be reviewed if Acacia is to be serious about treating prisoners for their addictions.

6.43 Acacia has sourced external funding to run a Naloxone program for prisoners upon their release. Essentially, when prisoners are released from Acacia, they may be provided with a device similar to an epi-pen containing Naloxone. Naloxone is a lifesaving medication that can be administered to reverse the effects of overdose from heroin or other opioids. While this is a very positive initiative that could save a life outside, more needs to be done to minimise harm from drug use inside the prison.

HEALTH CENTRE CULTURE AND MORALE

6.44 It was encouraging to find that the staff working in the health centre at Acacia demonstrated both dedication and a keen interest in their work. It was evident, however, that staff morale was alarmingly low. Various clinicians and support staff consistently reported that they felt under immense pressure, most often due to a heavy workload related to staffing shortages and unsustainable patient loads.

6.45 It was apparent that recruitment and retention of staff has been difficult and this needs to be factored in when understanding staff pressures and the experience of low morale. Staff experienced particular frustration at the length of time involved in recruiting staff into critical positions. It also appeared that there was a lack of planning when staff were away

for long periods of leave or had resigned. In these situations covering the general practice clinic became a priority, pulling staff away from other roles. While staff accepted this, they felt that their skills were under-utilised and undervalued.

6.46 Staff also reported growing favouritism and bullying within and across different staff groups. Areas within the health centre generally portrayed positive working relationships; however, it seemed that other areas of the prison were sometimes applying unreasonable pressure on health centre staff. Part of this could be because staff outside the clinic were not educated adequately on the nature, functions, and processes of the health care centre. There needs to be a better awareness on the services that the clinic provides and the processes that need to be followed in order to ensure best practice.

6.47 There was a concerning theme that the health centre staff felt a lack of personal and professional development was afforded to them. This appeared to be directly linked to the low levels of morale. Time allocated to attend professional development courses had been reduced to two days per year and staff perceived this as indication they were not being supported.

6.48 Clinical staff, some of whom have significant qualifications, were unable to use their skills to their full potential because they were having their time allocated to menial administrative work. This was partly based on functional inefficiencies. For example, administrative staff were required to book appointments into two separate calendars, once in the medical centre and also in the relevant prison unit. In addition highly trained clinical staff were spending too much time on administrative work because those below them did not have the training or time to do it.

6.49 Communication from managers to health centre staff was viewed as being ambiguous and varying, depending on the manager, and it was clear that lines of responsibility, accountability, and communication needed some attention and explication. With minimal increase to staffing resources following the increase to the prison population, 2015 had proved to be an extremely difficult year for staff. It was felt that there was a good chance that the recruitment and retention crisis would worsen without better attention to staff support and resourcing.

> *Recommendation 17:*
> *Serco to review health services at Acacia, and implement measures to improve efficiencies, effectiveness, and staff morale in the health centre.*

HOSPITAL ADMISSIONS

6.50 Prisoners admitted to hospital require around the clock supervision by custodial officers. This is known as a hospital sit. Hospital sit services are predominately covered within the state's Court Security and Custodial Services (CSCS) contract where specially trained and licensed officers are drawn from a pool to watch over prisoner patients while in hospital (The Commissioner of the Department of Corrective Services, for and on behalf of the State of Western Australia, 2011). However, the current CSCS contract restricts the

number of hospital sits to five per day, to be shared across all metropolitan prisons. Once the cap has been reached, each individual prison is expected to provide its own staff to conduct the hospital sit, despite minimal training and uncertainty around security licensing.

6.51   The Acacia Services Agreement makes no mention of the operator, in this case Serco, providing a hospital sit service (Acacia Prison Services Agreement, 2006). In the 2013 report, we highlighted this as an issue, recommending that the Department review the contract and provide additional funding to cover staffing costs required for hospital sits (OICS, 2014a, p. 31). This recommendation was supported by both the Department and Serco.

6.52   Serco advised us that while there is no contractual obligation to provide the service, they do in fact still provide staff for hospital sits. However, two years after our last report, and many years after the problem became obvious, Serco and the Department are still involved in extended negotiations about which organisation will cover the costs. The Department has reimbursed Serco for a handful of hospital sits, but a formal agreement is yet to be reached. There is a risk that while this contract gap remains, hospital admissions may not take place when they should, as the cost of staffing a hospital sit is not negligible.

Chapter 7

REHABILITATION AND RE-ENTRY

REDUCING REOFFENDING

7.1   Between September 2014 and September 2015, 43.3 per cent of prisoners who were released from Acacia returned to prison within two years. This was one of the highest recidivism rates in the state and much higher than in 2013, suggesting a need for more interventions at the prison level.

7.2   Acacia had acknowledged the service delivery gap and in 2015 a Reducing Reoffending unit was created. The objective of the unit was to provide services and activities for prisoners aimed at addressing offending behaviour and equipping prisoners with the skills and knowledge to maintain a law abiding lifestyle when they leave prison.

ADDRESSING OFFENDING BEHAVIOUR

Individual Management Plans

7.3   All prisoners serving an effective sentence of more than six months are provided with an Individual Management Plan (IMP). IMPs contain an assessment of the prisoner's psychological, educational, and vocational intervention needs that they require to address their offending behaviour. Initial IMPs are undertaken within the first 28 days of sentencing and are generally conducted at Hakea Prison, the state's male remand facility. Once a prisoner is sentenced and their initial IMP conducted, the prisoner is usually transferred to a sentenced prison, commonly Acacia. Regular IMP reviews are undertaken throughout the prisoner's sentence.

7.4   During the 'fill' phase of the expansion, the Department pushed to fill the vacant beds at Acacia and reduce the number of prisoners in its crowded maximum-security facilities as quickly as possible. This push resulted in Acacia receiving a high number of sentenced prisoners being transferred without receiving their initial IMP. Between March and June 2015, the number of prisoners at Acacia whose IMP had passed the initial 28 day period peaked at 151, leaving few opportunities for these prisoners to commence addressing their offending behaviour. Commendably, the Department arranged for treatment assessors from Hakea Prison to attend Acacia and work through the backlog of outstanding IMPs, and by October 2015, the number of prisoners with outstanding IMPs had been reduced to nine.

7.5   Regular IMP reviews are important to track how a prisoner is progressing towards their IMP, to discuss any issues with the prisoner and to make any required amendments to booking schedules. Acacia are measured on the percentage of IMPs that are reviewed on time. In 2014–2015 and the first two months of 2015–2016, the Sentence Management team within the Reducing Reoffending unit consistently achieved over 98 per cent of this performance measure.

Offender Programs

7.6   One of the recognised ways to reduce reoffending is through offender treatment programs. A prisoner's initial IMP details the offender programs that the prisoner is required to complete to address their offending behaviour. The Department has ultimate control over which offender programs are to be run at Acacia. Acacia was running five

offender programs for prisoners:

- **Think First**

  A cognitive skills program aimed at helping individuals with social problem-solving so they can manage difficulties in their lives.

- **Pathways**

  An intensive cognitive-behavioural program aimed at preventing alcohol and other drug abuse when it is related to offending.

- **Medium Intensity Program (Violence)**

  A medium intensity program catering for the needs of those offenders with violence and/or substance abuse needs.

- **Violent Offending Treatment Program (VOTP)**

  A high intensity program aimed at addressing risk factors linked to violence in high risk offenders.

- **Stopping Family Violence Program**

  A program aimed at getting individuals to take responsibility for their behaviour, develop skills to manage risk, and increase accountability to their families and the community.

7.7 Programs are not only a chance for prisoners to turn their life around, they also increase their chances of getting parole. Prisoners at Acacia voiced their frustrations about not being able to participate in a program before they were due for parole or release. This is a serious statewide issue affecting not only Acacia. The Department has set up an assessment system that assesses and requires offenders to undertake treatment programs, but due to under-resourcing programs are not always offered, which is essentially setting prisoners up to fail.

7.8 Based on our recommendation from 2013 (OICS, 2014a, p. 63), Acacia increased class participation sizes from 10 to 12 participants, and with the expansion the Department increased the number of offender programs at Acacia from 25 per year to 33. However, these increases were still not enough to meet the needs of all prisoners at Acacia. In 2014–2015, more than one-third of prisoners released from Acacia (36%) were released with unmet treatment needs due to lack of program availability.

7.9 It is a difficult balancing act, forecasting the supply and demand for offender treatment programs, however, the Department's new assessment tool, the Level of Service/Risk, Need, Responsibility checklist (LS/RNR) may alleviate some of the pressure. The LS/RNR tool is a more complex initial assessment tool that has been designed to capture specific risk factors including criminal history, education, employment, family and marital status, leisure and recreation, companions, and alcohol and drug problems. LS/RNR was designed to provide a better measure of the risk posed by a particular offender and tailor more appropriate treatment programs to suit the prisoner's need. While still in its early development phase, the program facilitators at Acacia had started to notice that prisoners assessed by the LS/RNR tool tend to be more suited to the programs that they participate in, which may in the long-term reduce demand.

7.10 No purpose-designed programs for Aboriginal prisoners were run at Acacia, although the program facilitators attempt to present their programs in a manner relevant to the participant's life experience and cultural background. We heard from Aboriginal prisoners, particularly those who were 'out of country' that they found it difficult to understand what was going on during programs, and therefore found the program ineffective for their rehabilitation. This is an issue for the Department to address, especially because given the under-resourcing issues discussed above, not placing suitable applicants into appropriate programs is wasting valuable program places.

Voluntary Programs

7.11 Acacia ran a small suite of voluntary programs for prisoners who were looking for extra support on top of their offender programs or could not access programs due to lack of availability. The provision of voluntary programs has traditionally been a good story for Acacia, providing alternative outlets for prisoners who want extra support for their rehabilitation. However, during this inspection we found that many of the programs ceased during the expansion and had not returned. Alcoholics Anonymous and the prisoner led drug and alcohol program called the Green Lighthouse continued to run but Narcotics Anonymous was cancelled and only reintroduced in June 2015. The Control of Violence in Angry Impulsive Drinkers and Getting Off It were not running at all and Keeping Off It was running only for the young men in the Young Adults' Community.

7.12 In 2013, Acacia ran the voluntary Strong Spirit Strong Mind program, which raised awareness of drug and alcohol addictions among Aboriginal prisoners. This was a good initiative, particularly as discussed above, many of the Aboriginal men struggled with the content in the offender programs. During the last inspection, Acacia was also exploring the opportunity to run the Red Dust Healing Program, which was based on spiritual understanding of self and identity, teaching Aboriginal prisoners to respect themselves. It was most disappointing to hear that neither of these programs, nor any alternatives, were running at Acacia in 2015.

> *Recommendation 18:*
>
> *The Department and Serco work cooperatively to develop new interventions and offender programs that are suitable for Aboriginal prisoners, particularly those who are out of country or whose first language is not English.*

PREPARING FOR RELEASE

7.13 In 2014, close to 4,000 sentenced prisoners in Western Australia were released in the community, equating to over 10 prisoners per day. Acacia released more sentenced prisoners than any other prison in the state releasing 666, or 17 per cent, of all sentenced prisoners. Acacia will likely release even more prisoners in 2015 as a consequence of the prison's recent expansion. Many are likely to be young offenders with a good chance of turning their life around and adopting a law-abiding lifestyle.

7.14 When prisoners are released from prison they leave a highly structured, monitored, and secure environment into the relative freedom of the community. The transition can be difficult, and in many cases unsuccessful. Serco appreciate the high numbers of prisoners released directly from Acacia, and has started to position itself as a 're-entry prison'. Acacia, in its internal submission to this Office, commented that:

> …much of the good work done in prison can be undone when a prisoner walks out the front gate without the proper support and ill-equipped to deal with the pressures and old patterns associated with life on the outside.

7.15 A number of personal and social factors will influence the success or failure of a prisoner re-entering the community. These include education, employment, drug and alcohol misuse, mental and physical health, attitudes and self-control, institutionalisation and life skills, housing, financial support, and debt and family networks. In many of these areas, prisoners can be offered support to assist with re-entry and to improve the likelihood of reintegration, thereby enhancing public safety.

7.16 Acacia's resettlement team provided a number of services to help prisoners to reintegrate. They assisted them with identification, drivers' licences and accommodation, and also ran a number of programs to enhance their life skills and engage in healthy relationships with their family. Prisoners were made aware of the resettlement services during their orientation when they first arrive at Acacia, but for some, the time between entering and leaving Acacia may be substantial and by the time of release, prisoners may have forgotten about the re-entry services available.

7.17 We interviewed a group of six prisoners who were due for release into the community within the following month, and only one claimed to be aware of the services provided by the resettlement team. Some mentioned that they had no identification prepared for when they are released and one prisoner was concerned that he was arrested in his work clothes and would be released wearing those same work clothes. While the services provided by the resettlement team are good, their resources are stretched. More work should be done to ensure that all prisoners approaching release are linked up with them.

Outcare Re-Entry Link Program

7.18 The Department contracted the state's re-entry services to non-profit organisations, through the Re-Entry Link program (Department of Corrective Services and Outcare Incorporated, 2010). As part of the program, Outcare provided pre-release information services, pre- and post-release support to Acacia prisoners with six months left to serve on their sentence.

7.19 Outcare's pre-release life skills program provided group information to prisoners to help them prepare for living in the community. The areas included anger management, budgeting, communication skills, family relationships, and health. Outcare reported high demand for the life skills program, which was running anywhere between 30 to 100 modules per month. Outcare could also provide a prisoner with a formal transition plan addressing all aspects of reintegration.

7.20 Up until recently, Outcare was relying on prisoners due for release to refer themselves for pre- and post-release services, but this self-referral system meant that prisoners were slipping through the gap. Just prior to the inspection, Outcare advised us that the prison was now providing a list of the names of prisoners who were due for release. This is good practice that we would like to see continue. It ensured that all prisoners close to release had the opportunity to use the Outcare services should they need to.

7.21 Since being provided with the list of releasing names, Outcare have reported to be incredibly busy and struggling to keep up with the demand. The Outcare contract was not adjusted when the prison population increased, therefore they were attempting to provide more services with no change to resourcing. The contract should be adjusted as soon as possible to ensure all prisoners nearing release have access to Outcare's re-entry services.

> *Recommendation 19:*
> *Adjust the Re-Entry Link contract to ensure enough resources are provided to meet the demand for re-entry services at Acacia.*

Acacia Transition Plan

7.22 In an attempt to ensure prisoners have adequate supports in place upon release, the Department and Serco agreed to a new performance measure that required Acacia to produce a transitional plan for all prisoners being released. The plans included information about accommodation, education, employment, family networks, and so on. The intention of the performance measure was to ensure prisoners are supported on release and to reduce their chance of reoffending. However, this performance measure was problematic for many reasons.

7.23 First, the transitional plans are similar to those already being undertaken by Outcare under the Re-Entry Link program. If Outcare are providing transition plans for a select group of prisoners, then Acacia should only have to provide transitional plans for those not linked up with Outcare. Unfortunately this is not the case, so those linked up with Outcare will essentially have two separate transition plans drawn up for them, which seems like a pointless waste of scarce resources.

7.24 Second, the performance measure is purely output based, meaning that Acacia are measured on how many plans are produced, rather than how many prisoners are released with adequate support. From our observations, the transition plans seemed to be a simple 'tick and flick' exercise with little follow-up involved. To truly introduce a performance measure that addresses the need for re-entry support, the Department and Serco should introduce an outcome based measure that provides an incentive for Acacia to provide more pre- and post-release support.

PAROLE

7.25 Acacia used to provide prisoner parole clerks who would assist prisoners to type their parole plans. But the head of the Prisoner Review Board indicated a preference for parole

plans to be written in the prisoner's own handwriting and words rather than typed in a standard template that did not reflect the prisoner's actual situation. Acacia took this feedback on board and introduced prisoner led parole planning sessions that provide advice and guidance to prisoners about what to include in a parole plan without guiding the prisoner in too much detail. The sessions were run weekly for mainstream prisoners and every two to three weeks for protection prisoners. Seventy-seven prisoners had attended these sessions in the three months since they started. This attendance rate is high considering around 46 to 82 parole plans were submitted per month.

Chapter 8

EDUCATION, EMPLOYMENT, AND TRAINING

8.1   Keeping prisoners actively engaged each day is challenging for any prison, even more so for a prison with 1,395 prisoners. Acacia's medium-security status also means that prisoners cannot participate in external activity programs, creating a further challenge for Acacia to develop opportunities within the prison perimeter.

8.2   In the last few inspection reports we reported on Acacia's strategy to create more employment by dividing the working day into morning and afternoon shifts (OICS, 2014a, p. 65; OICS, 2011, p. 61). The intention was for prisoners to work for part of the day and use the remaining time to engage in some other type of meaningful activity, whether it be education, recreation, or voluntary programs. This strategy provided more work opportunities for prisoners but reduced the core working day to only three hours, which is not at all representative of community standards. The situation remained the same in 2015.

EMPLOYMENT

Acacia's Employment Strategy

8.3   Acacia produced an employment strategy in an attempt to create more jobs and to ensure the distribution of gratuities is fair. Some innovative work had been undertaken in the Reducing Reoffending team to create more meaningful work for prisoners. Although Acacia was only contractually required to fill 90 per cent of the 970 jobs available, the Director of Reducing Reoffending felt that this was not ambitious enough and was confident that 1,050 jobs would be available for prisoners by the end of 2015.

8.4   Acacia undertook a review into prisoners who did not have jobs which showed that a number could not work due to disability or age. So Acacia introduced an aged pension for prisoners over the age of 67 years, equivalent to around $4.15 per day. Prisoners who are unfit for work will receive a similar pension. Acacia was also considering a different pay rate for prisoners 'looking for work' and those 'refusing work'. This was both intelligent and fair, especially given the number of jobs available exceeded the number of willing workers.

8.5   In 2013, we found that too many prisoners at Acacia were either unemployed or under-employed in menial cleaning and maintenance jobs within the unit (OICS, 2014a, p. 66). While it is important for units to be kept clean and hygienic, employing more than 30 prisoners per unit was excessive. By 2015 some movement had been made to address our concerns. Acacia was in the process of removing around 50 unit jobs through natural attrition; as prisoners working in the unit were released or changed jobs their position was not replaced. In the first quarter of 2016, Acacia was also going to cap the gratuity levels for unit workers to encourage prisoners to seek work outside of the units.

8.6   During our last inspection, there was too much unemployment or underemployment among the Aboriginal prisoner population. It was therefore disappointing to find that almost half (42%) of the Aboriginal prisoner population was still not working in 2015, up from 34 per cent in 2013. Aboriginal representation in the kitchen had also dropped. In 2013, we were particularly impressed with Acacia's innovative program to attract and

retain Aboriginal prisoners as kitchen workers, to the extent they made up 43 per cent of kitchen workers. In 2015 only 23 per cent of workers in the kitchen were Aboriginal.

8.7   Within the 970 available jobs, there still seemed to be quite a number of vacant opportunities at Acacia. The Vocational Training and Education workshops were only operating at half capacity and three workshops were at one-quarter capacity. Acacia was exploring the option of employing mentors in workplaces to encourage prisoners to become engaged in work. There were also further opportunities to increase the number of jobs available. Other than the kitchen, the workshops only operated Monday to Fridays, but could be extended to weekends. The Industries Manager also felt that trailer production could increase significantly with a little investment in some extra equipment such as another spray booth.

8.8   We heard a good deal about the significant plans for expanding and developing employment opportunities and the industry workshops, but Acacia could not justify the investment until there was surety about the continuation of the contract.

8.9   Acacia wanted to replicate the outside job-seeking process as much as possible. The Director of the Reducing Reoffending team was developing a job prospectus that would be made available to each prisoner during their induction. The document will clearly specify how to look for a job, list all the jobs on offer, and map out education and training pathways. Some vacant positions are advertised on noticeboards around the prison, however, the practice of employing prisoners could improve, with most prisoners hearing about job vacancies from other prisoners. There was talk about using the electronic kiosks to replicate outside job-seeking websites and having prisoners submit a resume detailing their skills and qualifications. These are excellent ideas to encourage more prisoners to seek and stay engaged in employment and to prepare them for job-seeking upon release.

8.10   Providing work for the 128 protection prisoners is always more challenging, as protection prisoners need a workplace that is safe from the mainstream prisoner population. At the time of the inspection, 32 protection prisoners (or one-quarter of the protection population) were working in the segregated workshops adjacent to the protection accommodation block, undertaking work such as small carpentry, leather work, lattice work, picture frame making, and packing. The capacity of the protection workshops was about to increase. The week following the inspection the clothing exchange was due to move from the laundry to the protection workshops to provide more work opportunities for protection prisoners. Five additional protection unit workers had also just been approved by Acacia.

Prisoner Employment and Remuneration Committee

8.11   The Prisoner Employment and Remuneration Committee (PERC) had undergone a revamp since the last inspection. Previously, the committee was made up of Acacia staff from the various workplaces around the prison who would meet weekly to discuss dismissals (OICS, 2014a, p. 69), but the meetings were occurring far too frequently and achieved very little. PERC was therefore rescheduled to meet monthly with a more strategic agenda around keeping employment at capacity, managing budgets, bringing

in new jobs, dismissal appeals, or anything else out of the ordinary. With a more strategic focus, there was an opportunity for PERC to also implement strategic processes to focus on consistent employment advertising, job maintenance practices, and effective communication between workplaces, units, education, and vocational training.

Industries

8.12 There were 10 Trade Instructors employed at Acacia to supervise prisoners working in areas such as carpentry, the metal shop, facility services, and the fabrication shop. All of the Trade Instructors were dedicated individuals who enjoyed their job, but they did have some safety concerns about their working environment. There can sometimes be up to 150 prisoners working in industries at any one time, with only three to six security staff working in the area. The Trade Instructors felt that the low staff presence was compromising safety. These concerns should be discussed with Acacia management and, if necessary, should be reviewed. Positively, we heard that officers working in the industries areas are rarely, if at all, redeployed so the workshops can continue to operate.

8.13 Prisoners working in industries have access to tools and dangerous equipment, so these working areas need to be rigorously monitored. A missing tool could be used as a weapon and poses enormous operational and security issues. In 2015, a number of incidents occurred at Acacia when tools could not be located. These incidents led to locking down parts of the prison and searching all areas. After the incidents Acacia management reviewed and updated its tool control practices to ensure all tools were regularly accounted for. While the staff felt that the new tools counts were excessive, no tool has been reported missing since.

EDUCATION

8.14 The education centre continued to provide a good level of training that encapsulated a range of nationally accredited and non–accredited courses and traineeships. Departmental figures showed that 17.2 per cent of all prisoners at Acacia were engaged in education/training. However the numbers were not evenly distributed and some higher needs groups were not involved. Only 13.7 per cent of the indigenous prison population were engaged in education/training and student enrolments among the young adult prison population were only 11.7 per cent.

8.15 Acacia offered face to face delivery of Certificates in General Education for Adults I, II and III, Engineering II, First Aid, and the White Card. The prison also partnered with TrainWest to provide self–paced courses in Certificate II, III, IV in Small Business, Certificate IV Project Management, Certificate IV, and Diploma of Health Work and Safety. These self–paced courses were offered to prisoners to self–fund at $500 per qualification. A lecturer coordinated and provided daily support to the students, who could continue with their study anywhere on release or transfer.

8.16 Acacia established partnerships with Registered Training Organisations such as Challenge, CY O'Connor, and West Coast Institute to offer certified courses such as Warehouse Operations and Horticulture, however, the partnerships appeared under–utilised and the courses were not being delivered.

8.17 It was commendable that Acacia, through the Registered Training Organisation TrainWest, had increased delivery of higher level qualifications of Certificate IV and Diplomas however, more entry level traineeships and Certificates I, II, and III needed to be offered to meet the needs of less qualified prisoners.

8.18 There were also a number of other non-certified courses in performing arts, music, and audio engineering where prisoners could meaningfully engage and develop a wide selection of skills and knowledge. It was commendable that prisoners could engage in these recreational courses that support self-esteem and personal development, however, as an education activity, further long-term benefits could be achieved for prisoners if the activities were aligned to certification. Course enrolments could then be transferred to another prison, continued with TAFE study on release, or used as a pathway to employment.

Drama

8.19 The drama class was positive and inspiring. The class held between 18 - 80 students and was made up of both Aboriginal and non-Aboriginal prisoners. The students demonstrated attentiveness, and exuded a positive energy on class completion. One drama student commented to us that 'drama classes makes you want to get up, you get a vibe, it's like a whole family. I never thought I would do this, it gives me confidence'.

8.20 The tutor, an enthusiastic and professional drama teacher, directed the prisoners in a performance of a Shakespearean play, together with prop and stage management. The students also participated in improvisation and Stage Combat Action short courses.

8.21 This was an excellent example of how transformative prison education can be. Once students are engaged, Acacia can use this opportunity to link their learning experience, skills and knowledge from the drama class to a unit of competence from one of the Certificates in General Education for Adults. A simple way of doing so could be to ask students to keep journals of their experience in class. This would consolidate the drama activity into an educational outcome.

Music and Art

8.22 In 2015, the Department stopped funding music and art programs at state prisons, after the Training and Workforce Development industry skills priority list excluded music and art. This was a retrograde step that was out of line with the aim to rehabilitate and reduce re-offending. This Office strongly believes that successful engagement with all educational programs can help prisoners with their social skills, artistic development, and help them deal with their emotions. It can also encourage engagement with further educational programs.

8.23 It was positive to see that music and art classes were both running at Acacia. Acacia's music room was exceptionally well-equipped with guitars, drum sets, lighting and sound systems, and electronic keyboards. Students could participate in music and sound engineering programs, run by a prisoner with significant experience and qualifications in the performing arts industry. While this was a creative way of enabling music programs, Acacia may run the risk of losing the music program if the prisoner were to be released or

transferred to another prison. Acacia should ensure that at least one vocational education staff member is qualified to oversee the music program. As with drama, Acacia should also consider linking the music program to an accredited outcome, because, as it stood, music students received no recognised training qualification from their studies.

8.24 Acacia prisoners wanting to participate in art could enrol in a university course or participate in the corporate art program. Prisoners involved in the corporate art programs painted Aboriginal tapping sticks and small wooden boxes for Serco to give as corporate gifts. There were no opportunities for prisoners to participate in a vocational arts course, because, we were told that the certified art courses are 'too difficult' for prisoners. We strongly disagree, particularly as the Certificate II of Visual Art is specifically designed for 'speakers of other languages and remote communities and those who have had interrupted schooling'.

Computers

8.25 In 2013, Acacia had the lowest number of computers available to prisoners per capita of all the prisons in the state (OICS, 2014a, p. 70). Only 11 computers were available to prisoners, meaning that some studying for business or general education courses could not satisfactorily achieve their qualifications. We recommended that Acacia significantly increase computer access to prisoners, which was supported by both Serco and the Department.

8.26 This inspection we counted 48 computers. Fourteen were dedicated to students studying through Open Universities and 13 for students studying Information Technology. However, prisoners complained that general access to computers was difficult. As discussed in paragraph 3.28, network ports in the new education centre for protection prisoners had not yet been installed, so those computers were still sitting unused in cardboard boxes. Staffing was also an issue within the protection precinct, and will need to be addressed so prisoners can regularly access the computers once they are installed. Literacy students use the computers in the Information Technology classroom to complete their course requirement, which was an appropriate temporary solution, but could be disruptive for students. We also heard that the computer available in the library was regularly out of order and took a long time to be fixed.

8.27 Acacia was still a long way off its 2013 plan to make 83 computers available (OICS, 2014a, p. 70). To ensure prisoners are provided with appropriate tools to complete their education, Acacia should increase the number and accessibility of computers and perhaps investigate and implement secure and restrictive technology alternatives to computers.

TRAINING

8.28 Acacia structured its traineeship program so that it sat within the education portfolio, separate from the industry workshops. The separation of vocational education from the trades was positive and may facilitate more traineeships, as there are no competing priorities for contract production or supervision of unskilled workers along with trainees.

8.29 At the time of the inspection, there were only 42 prisoners involved in traineeships,

which was low considering the number of industries and vocational training areas at Acacia. Some limitations were inhibiting higher numbers of traineeships. The vocational trainers were awaiting appropriate qualifications to deliver welding, warehousing, painting, and decorating qualifications to prisoners, which seemed to be delayed by Serco's head office. The vocational training workshops also required additional power outlets to cater for more trainees. Serco should prioritise training for the vocational trainers and upgrade power outlets in the workshops to ensure more prisoner traineeships can be offered.

INNOVATION

8.30 Keeping almost 1,400 prisoners engaged in meaningful and constructive activities is a challenge that Serco is addressing well. Undertaking an internal review to assess the proportion of prisoners who are unable or unwilling to work gives the prison a better idea of the size of the job market, and helps the prison to tailor suitable gratuity profiles. It was good to see the level of under-employment being addressed and jobs being moved out from the units, and the simple and inexpensive innovation of replicating outside job-seeking practices is an innovation that other prisons could learn from.

8.31 The education opportunities at Acacia were providing prisoners with a diverse range of study options, with unique courses such as performing arts incorporated into the portfolio. However, more could be done to link the education courses to training or basic literacy and numeracy qualifications, particularly if Acacia is serious about achieving its goals of rehabilitation and reducing re-offending.

Chapter 9

STAFFING

MANAGEMENT

9.1 Our 2013 inspection uncovered that staff were dissatisfied with the level of communication and support from Acacia management, stemming from both middle management and senior management (OICS, 2014a, p. 32). At the time, the expansion project was taking some senior management staff largely offline, leading to stretched resources. We advised Serco that the prison would benefit from an 'immediate injection of appropriate additional management resources' and we recommended Acacia '…realign management responsibilities, to ensure:

> (i) that the Acacia senior management team does not lose focus on immediate operational priorities during the expansion;
> (ii) improved management/staff communication; and
> (iii) strong transition planning and change management' (OICS, 2014a, p. 32).

9.2 Serco promptly actioned our recommendation, both on site and in their head office, and in 2015 we were presented with a refreshed senior management team with mostly new faces. Acacia's Director resigned in early 2015 and was temporarily replaced while the recruitment for a new Director occurred. In July 2015, a permanent Director was appointed to Acacia, but she was only on site for two weeks before the Department requested that she be temporarily seconded to manage an incident at another prison. Acacia found itself once again without a permanent Director, which created a sense of instability among frustrated staff.

9.3 After the inspection, and at the time of writing this report, we were told that the previously selected Director of Acacia would now remain at the other facility permanently. The current Director of Acacia will move (as was always intended) and another person will take his place. This created more angst and uncertainty among Acacia staff. The whole saga has been disappointing, disruptive, and in some respects, disrespectful. In our view it could have been better managed by the various parties.

9.4 Throughout the inspection and in the pre-inspection staff survey, staff commented to us how the multiple changeovers of leadership had impacted upon their working lives. Mostly, they told us about how the conflicting management and communication styles of each Director have fluctuated so much over the course of one year that the staff are frustrated and confused. Further to these disruptions, staff told us that they do not feel that they know the senior management team, despite a recent initiative to move some of them out of the administration building and into offices within the prison. Staff commonly complained of certain senior managers talking 'at' them rather than 'with' them.

9.5 The results of the pre-inspection staff survey reflected these feelings. In 2013 we were disappointed to hear that staff felt unsupported by Acacia management, and in 2015 the survey results slipped even further. Thirty-four per cent of staff who completed the survey in 2015 thought that 'support from local management' was 'poor' and 32 per cent felt that 'communication from local management' was 'poor'. These results were below state averages and lower than results from the 2013 Acacia staff survey.

HUMAN RESOURCES

9.6   Respondents to the staff survey rated their quality of working life at Acacia at 6.23 out of 10. This was lower than the 6.66 result from the 2013 inspection and also worse than the state average of 6.45. One of the main areas contributing to the poor results was staff dissatisfaction with Acacia's human resource services. A significant number of staff told that they had experienced late payments for overtime shifts, confusion about rosters and annual leave, and trouble getting responses to human resource queries.

9.7   Some of these complaints stemmed from the recent introduction of a new online human resource system. Staff did not complain about the system itself and it appeared to be a good system. But the lack of integration between leave booked on paper before the system was introduced, leave booked on the system itself, and a spread sheet based rostering system was causing confusion and mistakes. Further, some staff queries were directed to the system administrators when they should have been sent to the local human resources team. The fundamental problem seemed to be that Acacia had introduced a new system without an adequate transition plan or communication plan for staff.

9.8   Staff were also concerned about the proposed introduction of an attendance and absence policy. The proposed policy introduced a system where various interventions were based on the non-discretionary, cumulative accrual of points as staff took leave. Staff saw the points system as punitive, similar perhaps the demerit point system associated with traffic violations. However, prison management told us that the policy was meant to help Acacia managers by giving them a clear set of interventions and support protocols to use when their staff took sick leave. It was clear that staff and management needed to communicate further about the policy before it was introduced. Towards the end of the inspection, both parties had agreed to do just that.

> *Recommendation 20:*
> *Improve communication between Acacia staff and Acacia management as a matter of priority.*

STAFFING LEVELS

9.9   As in 2013, staff at Acacia once again raised the issue of staffing levels. The custodial officer-to-prisoner ratio at Acacia is lower than the public prison estate. Custodial officers employed in public prisons number about 2,000 and they manage about 4,335 prisoners. At Acacia there are about 275 custodial officers who supervise around 1,395 prisoners; however, it is difficult to make any direct comparison as each prison is made up of different prisoner cohorts who have different risk profiles.

9.10   Acacia's staffing model is set out in the prison's Custodial Officer Deployment local order, which details 'optimum' custodial staff numbers across the site each day. It also specifies work locations including predefined cross deployment details. For example, six officers are assigned to a residential unit on weekdays, but one of the six will always be cross deployed to another work area, such as visits. Acacia management told us this model is

designed to have officers 'follow' prisoner movements throughout the day, so staff were not supervising partly-empty units.

9.11　We analysed Acacia's staffing data for the first week in October 2015 to determine if the staff numbers on site matched the prison's optimum staffing model. Our analysis showed that while a significant amount of cross deployment did occur, all prisoner accommodation units were fully staffed each day. We also looked at some of the other important areas, like the gym and industries areas. We found some of these areas were below the optimum staffing levels on some days.

	Echo Medical	Romeo/ Hotel Industries	Victor Block Education and Vocational Training	Whiskey Block Protection Education and Programs	Oscar Programs	Sierra Visits
1 October	Yes	Yes	Yes	Yes	Yes	Yes
2 October	Yes	No	Yes	Yes	Yes	Yes
3 October	Yes	Yes	Yes	Yes	No	Yes
4 October	Yes	Yes	Yes	Yes	No	Yes
5 October	Yes	No	Yes	No	Yes	No
6 October	No	Yes	No	No	Yes	No
7 October	Yes	Yes	Yes	Yes	Yes	Yes

Table 2: Comparison between staff on site and optimum staffing levels for activity units at Acacia in the first week of October 2015. Green boxes mean the optimum staffing level was achieved and red boxes mean it was not.

9.12　We asked staff to tell us about, or show us, the impact of what they considered to be short-staffing. The most concerning response we heard related to the Detention Unit [see 5.22 – 5.23] where only two staff were rostered to supervise up to 30 prisoners on restricted regimes, therefore not all the work was getting done. While the impact of claimed short-staffing was clear in areas such as the Detention Unit and other service areas that required direct officer supervision or intervention to operate, it was difficult to quantify the impact that cross deployments were having in some of the mainstream accommodation blocks. Staff raised general concerns about their safety as a result of short-staffing. Acacia, being the largest prison in the country, does record a high number of prisoner on staff assaults, however Acacia's annual rate of staff assaults compared to its prisoner population (2.56 assaults per 100 prisoners) was lower than the annual rate of Bandyup Women's Prison, Eastern Goldfields Regional Prison, and Hakea Prison (OICS, 2014b, p. 17). Understandably cross deployments were not favoured by staff. In a positive move, Acacia management allowed staff to nominate preferences for which units they would like to work in when the prison expanded its population to 1,395. Staff were then assigned to work in one of their preferred units. Unfortunately this also meant that any

cross deployment would take staff out of their chosen units. Despite this, it is difficult to support a total ban on cross deployments, as this could well see qualified staff with little to do in one unit, when there is a greater need for their presence in another location.

ABORIGINAL STAFFING

9.13   To address the disadvantage of Aboriginal people, in 2012 the Council of Australian Governments committed to halve the employment gap between Aboriginal and non-Aboriginal Australians by 2018 (Council of Australian Governments, 2012). To help reach this, the Public Sector Commission set a target to increase Aboriginal employment in Western Australia to represent 3.2 per cent of the working population (Public Sector Commission 2011). As almost 40 per cent of the state's prison population are Aboriginal, the Department commendably set an even higher target to achieve 7.25 per cent permanent Aboriginal employment (DCS, 2015b, p. 11).

9.14   The presence of Aboriginal staff within prisons, at any level, positively influences Aboriginal prisoners to become more engaged with prison operations and helps to build stronger relationships between prisoners and staff. Aboriginal offenders are known to seek out Aboriginal staff for assistance and support, particularly if the staff member can communicate with the prisoner in their own language. Aboriginal staff can also support and respond to cultural obligations such as family deaths in an appropriate manner, which is crucial to the wellbeing of the prisoner.

9.15   In 2013, Aboriginal staffing levels were low at Acacia and we therefore recommended that Acacia '[F]ocus on recruiting and retaining more Aboriginal staff in all areas, including management, custody, education and support roles' (OICS, 2014a, p. 39). This recommendation was supported by Acacia management.

9.16   In 2015 only four of the 459 staff members at Acacia were Aboriginal, making up less than one per cent of all employees. This meant that there was one Aboriginal staff member for 133 Aboriginal prisoners. This is the second poorest Aboriginal staff-to-prisoner ratio in the state (after Boronia's Pre-release Centre for Women). In comparison to the other male metropolitan prisons, Hakea Prison employed 12 Aboriginal staff for around 900 prisoners and Casuarina Prison employed 11 staff for around 800 prisoners.

9.17   It was disappointing that Acacia did not have an Aboriginal employment or recruitment strategy, although just prior to the inspection Acacia, in partnership with the Aboriginal Workforce Development Centre, ran an information session for Aboriginal candidates who were interested in becoming trainee custodial officers. We were encouraged about the potential for Acacia to increase its pool of Aboriginal staff, however, we were disappointed with the quality of the presentation delivered by Serco at the information session. The generic recruitment presentation was delivered by a non-Aboriginal employee, it was not tailored to the audience, and failed to identify any positive reasons to entice Aboriginal people to work at Acacia. The presentation seemed like a tokenistic gesture to demonstrate an attempt to recruit Aboriginal staff, but lacked strategic input and evidence of genuine commitment from Serco.

9.18 There was little evidence that Acacia management understood the health issues, family and cultural commitments, and community expectations which resulted in unnecessary stress and pressure placed on the Aboriginal employees. An example of this was the above-mentioned attendance policy [see 9.8], which did not accommodate the need for culturally-based absences, and which we were told could not do so, as it would be discriminatory. Organisations that are truly committed to employing and retaining Aboriginal staff should invest in supporting strategies such as mentorship programs, culturally appropriate inductions, support networks, flexible leave practices for cultural reasons, and the provision of a culturally inclusive workplace. We did not see any of this at Acacia.

> *Recommendation 21:*
> *Serco introduce an Aboriginal recruitment and employment strategy that is suitable to the cultural needs of Aboriginal staff.*

STAFF TRAINING AND PERFORMANCE DEVELOPMENT

9.19 Acacia employs two full-time training officers who run initial training courses and on site refresher training. Our pre-inspection staff survey indicated that while more staff at Acacia felt prepared to respond to an emergency situation than they did in 2013, fewer staff felt adequately trained in a number of mandatory training areas such as use of restraints, use of chemical agents, and Cardiopulmonary Resuscitation (CPR)/First Aid.

9.20 This should by now have changed, as the introduction of new performance measures in July 2015 contained a greater focus on mandatory refresher training. A new individual operational readiness performance measure was introduced and is based on the percentage of custodial officers who meet minimum training and qualification requirements. These qualifications and training requirements are:

- Certificate III or IV in Correctional Practice
- Annual Senior First Aid
- CPR
- Defensive Equipment Techniques

9.21 The training officers felt that the introduction of the new measure was positive as it was already proving easier to get staff to training because both staff and managers had more of an incentive to make sure staff attended. However, the increased workload concerned trainers, who felt that they lacked the time and resources to really embed the skills and concepts with their trainees. The training resources and facilities had not expanded to cope with the influx of staff after the prison expansion.

9.22 Custodial officers receive training to manage prisoners with mental health issues and cultural awareness training as part of their initial training. Acacia had reinvigorated its reoccurring cultural awareness training and was running refresher training every three months. The training was proving popular. However, there was no ongoing, regular training to manage prisoners with mental health issues, even for those staff working with

the vulnerable prisoners in the Assisted Care Unit. This was by far the area that most staff wanted more training in, with only 25 per cent of staff survey respondents claiming that they felt adequately trained to manage prisoners with mental health issues. Staff also told us that they felt ill-equipped to deal with prisoners who had drug problems, and would like more training in these areas. Both of these issues are not unique to Acacia, particularly as the prevalence of drug use and mental illness seems to be growing among the prison population. We would like to see more training for officers to help them to manage mentally unwell and drug dependant prisoners better.

9.23   On one of the last days of our inspection, we were informed that the Department and Serco were renegotiating the minimum training requirements. There was talk of making some aspects of defensive equipment techniques training every two years, instead of annually, to reduce the training load. They were also considering a proposal to introduce annual physical tests. The test they were considering would require staff to perform a brief obstacle course and equipment and restraint techniques. The aim was to test staff readiness to respond to an incident with a prisoner in the prison. This is promising idea, but would require a sensitivity in dealing with staff who could not pass the physical test.

Chapter 10

CONCLUSION

10.1   We deliberately scheduled this inspection of Acacia to occur one year earlier than usual, to provide an independent evaluation of Serco's services prior to potential contract expiry. It was also important to evaluate how the prison was settling after the completion of the expansion project, which saw Acacia become the largest prison in Australia.

10.2   The expansion project was complex and high risk, and in 2013 was consuming the focus of the Acacia management team. We were pleased to see improvements to the project and risk management directly following our 2013 inspection. Intelligent planning was introduced early in the expansion phase, allowing for a good balance between new accommodation units and supporting infrastructure.

10.3   Filling the new beds was an enormous logistical and human exercise that carried very significant risks. The 'fill' was completed successfully, with more than 700 inbound prisoner transfers conducted in a relatively short period of time with few incidents. Both Serco and the Department should be commended for achieving such an impressively timely, smooth, and safe 'fill' exercise.

10.4   While the day-to-day management of the Agreement is good, the Department's own decision-making falls flat in one very important respect. The Department simply does not know if Acacia provides good value for money, because the total costs of running Acacia is unknown. The contract cost is publicly available; however, the Department has repeatedly failed to provide a robust estimate of additional overhead costs associated with managing the contract, claiming that they do not record such information. As a publically accountable agency, not only should it be able to provide more accurate accounting for costs associated with the operation of Acacia, but its own public prisons as well. Such a serious lack of financial accountability is not acceptable from any state government agency, least of all one that expects to spend over $900 million in the 2015–2016 financial year.

10.5   The increase in prisoner population provided an opportunity for Acacia to strategically rearrange the residential units by demographic, to cater to the needs of different prisoner cohorts. The introduction of 'communities' within Acacia was an intelligent innovation that other prisons in the state should follow. The philosophy of the Young Adults' Community is ideal but yet to be embedded. The same can be said about the lifers' community and the protection precinct. All strategies need more focus, resourcing, and attention to really prove successful, and would be expected when the uncertainty around the contract extension is resolved.

10.6   Between inspections, Acacia experienced a prisoner escape which prompted a complete overhaul of Acacia's security. Improvements to physical security included additional fencing, improved camera coverage, and a new gatehouse. New intelligence positions were introduced and relational security improved, although we would still like to see staff spending more time out of the unit office and mixing with prisoners. The positive staff culture and attitudes towards security processes were impressive, and custodial staff embraced the idea of wearing body cameras in high risk areas. Staff felt well prepared in case of an emergency situation.

10.7 The management of misbehaving prisoners still needs work, with a particular focus on the Detention Unit. The unit is regularly full and always busy, and while individual case conferences are now conducted on prisoners in the unit, a more effective solution for housing prisoners who are not under punishment regimes should be explored. Unfortunately, prisoners are reluctant to speak up if they have been assaulted, as it usually results in them being kept in the Detention Unit under a strict regime. This affected the entire prisoner population, but more so protection prisoners. Acacia needs to better address the safety concerns of prisoners in the protection unit, where high numbers of assaults and incidents occur. In fact, a review of the entire protection precinct is required to ensure all protection prisoners are afforded the same opportunities as the rest of the prisoner population.

10.8 The amount of intravenous drug use is too high at Acacia, as it is throughout Western Australia's other prisons. There were widespread concerns among both prisoners and staff about needle sharing and prison-acquired hepatitis C. Prisoners were also desperately wanting the opportunity to participate in drug intervention programs, but the demand far outweighed supply. Acacia needs to address the drug problem as a matter of urgency, with support from the Department. The medical centre needs to take more ownership and responsibility for tackling the prison's drug issue, and be resourced to do so. The skills of the highly trained clinical staff need to be maximised and harm minimisation strategies introduced.

10.9 The medical centre was our biggest concern during the inspection. While the centre underwent physical upgrades as part of the expansion, staffing numbers did not increase proportionally with the prisoner population. The health centre staff demonstrated professionalism and dedication to their job but they were working in an environment that was testing their resilience and in turn, affecting their levels of service delivery. There were allegations of bullying and favouritism and there was a high number of vacancies impacting on continuity and consistency of treatment and preventing the centre from developing in areas such as addictions, chronic disease management, and health education.

10.10 Prisoner access to a General Practitioner had improved but the four week waiting period was still far too long. The new Nurse Practitioner position could be used in a more intelligent way to help bring the wait time down. We had previously cited dental services at Acacia as best practice in the state, but policy changes and staff vacancies had led to the service slipping and prisoner dental care deteriorating. Psychiatry services were not even close to meeting demand, creating long wait lists for prisoners requiring psychiatric care. However, wellbeing and counselling services had recently experienced an increase of human resources that should address the demand for prisoners struggling to cope.

10.11 Acacia houses the largest number of Aboriginal prisoners in the state, many of whom are 'displaced' and away from their country. The distress experienced by these men was overwhelming. The Department needs to review placements and explore opportunities to transfer these men closer to home. More also needs to be done to provide culturally appropriate programs and opportunities to the 488 Aboriginal prisoners at Acacia.

10.12 Acacia continues to release the largest numbers of prisoners to freedom amongst prisons in the state. As such, the reintegration services it offers to those prisoners is fundamental. The transition can be difficult, and in many cases unsuccessful. Acacia has increasingly recognised its vital role, and had begun to refine its services and the way prisoners' access them to further improve access. The new performance measure introduced by the Department of requiring transition plans for prisoners goes part way to recognising the importance of re-entry, but is too focussed on outputs rather than outcomes. A change in focus should lead to even better performance and real results for prisoner success.

10.13 Keeping prisoners actively engaged each day is challenging for any prison, but even more so for a prison that now accommodates 1,395 prisoners. Constructive educational, training, and skills based activities are centre-pieces to assisting prisoners gain some of the necessary tools to have a successful life after release. It also gives them a purposeful structure to day-to-day life in prison and assists in safe and secure prison operations. Acacia had produced tangible plans to reach the goal of providing its increased population a constructive day of activity. It had done some of the work required to reach those goals, but still had some way to go at the time of the inspection. There were many plans mooted and opportunities recognised by management, and we encourage Acacia to proceed with these as soon as practicable.

10.14 The expansion also saw a lot of new staff employed at Acacia. The staff were a positive, professional, resilient, and respectful group but had a number of concerns. Staff were frustrated with the amount of cross deployment occurring throughout the prison, which often resulted in the closure of some services. Human resources was another area of concern, which mostly revolved around communication. But the most disappointing, and perhaps predictable issue raised was their frustration with the number of Directors they had experienced over the course of one year, all with their own unique management and communication styles.

10.15 Overall, the expansion to 1,395 prisoners was a huge endeavour. It was generally well-managed in the face of serious risks. The prison is well poised for its next era. After examining all the evidence, this Office was comfortable with the decision to renew the prison services contract for another five years. This decision removes uncertainty around prison operations, offering a positive opportunity for Serco and the Department to build on achievements and drive performance outcomes linked to reducing recidivism. Both Serco and the Department have laid excellent foundations for a positive future, foundations that now must be built on.

Appendix 1

REFERENCE LIST

Acacia Prison Services Agreement. (2006). *State of Western Australia and Serco Australia Pty Limited*. Perth, Western Australia.

Council of Australian Governments. (2012). *National Indigenous Reform Agreement (Closing the Gap)*. Retrieved from http://www.federalfinancialrelations.gov.au/content/national_agreements.aspx

DCS. (2014, December). Policy Directive 26. *Searches*. Department of Corrective Services.

DCS. (2015a). *Creating Value Through Performance - Strategic Plan 2015-2018*. Perth: Department of Corrective Services.

DCS. (2015b). *Reconciliation Action Plan 2015 - 2018*. Perth: Department of Corrective Services.

Department of Corrective Services and Outcare Incorporated. (2010, October 4). Service Agreement for the Provision of the Re-Entry Link Program to Male Offenders throughout the Metropolitan Area. Western Australia.

Department of Treasury. (2015). *Costing and Pricing Goverment Services*. Perth.

Economic Regulation Authority. (2015). *Inquiry into the Efficiency and Performance of Western Australian Prisons*. Perth: Economic Regulation Authority.

Francis MLA, J. Hon (2016, February 24). *Big savings in new Acacia Prison contract*. Retrieved from Government of Western Australia – Media Statements. https://www.mediastatements.wa.gov.au/Pages/Barnett/2016/02/Big-savings-in-new-Acacia-Prison-contract.aspx

Hansard. (2015, June 11). Assembly Estimates Committee A. *Corrective Services, Supplementary Information A61 - A71*.

Lines, R. J. (2006). Prison needle exchange: Lessons from a comprehensive review of international evidence and experience (2nd edition). *Canadian HIV/AIDS Legal Network*.

Parker, G. (2016, February 24). *Serco takes $7m cut in prison contract*. Retrieved from The West Australian: https://au.news.yahoo.com/thewest/wa/a/30899521/serco-takes-$7m-cut-in-prison-contract/

Office of the Auditor General. (2014, November). *Audit Results Report - Annual 2013-14 Financial Audits* . Retrieved 2015, from https://audit.wa.gov.au/reports-and-publications/reports/audit-results-report-annual-2013-14-financial-audits/audit-opinions/

Office of the Auditor General. (2015, October). *Audit Results Report Annual 2014-15 Financial Audits* . Retrieved 2015, from https://audit.wa.gov.au/reports-and-publications/reports/audit-results-report-annual-2014-15-financial-audits/audit-opinions/

OICS. (2003). *Report of an Announced Inspection of Acacia Prison, Report No. 19*. Perth: Office of the Inspector of Custodial Services.

OICS. (2007, April). Code of Inspection Standards for Adult Custodial Services. Perth: Office of the Inspector of Custodial Services.

OICS. (2008). *Report of an Announced Inspection of Acacia Prison, Report No. 53*. Perth: Office of the Inspector of Custodial Services.

OICS. (2011). *Report of an Announced Inspection of Acacia Prison, Report No. 71.* Perth: Office of the Inspector of Custodial Services.

OICS. (2012). *Report of an Announced Inspection of Bunbury Regional Prison, Report No. 75.* Perth.

OICS. (2014a). *Report of an Announced Inspection of Acacia Prison, Report No. 90.* Perth: Office of the Inspector of Custodial Services.

OICS. (2014b). *Assaults on Staff in Western Australian Prisons.* Perth: Office of the Inspector of Custodial Services.

OICS. (2015). *Western Australia's Rapidly Increasing Remand Population.* Perth.

OICS. (2016). *Announced Inspection of Hakea Prison, Report No. 102.* Perth.

Public Sector Commission. (2009 – 2012). *Costing and Pricing Government Services.* Perth.

Public Sector Commission 2011. (n.d.). *Aboriginal Employment Strategy 2011-2015.* Perth.

The Commissioner of the Department of Corrective Services, for and on behalf of the State of Western Australia. (2011, June). Court Security and Custodial Services Contract. Perth.

Web Management. (2014, September 24). Your Regular Update on Alcohol and Other Drug Issues. *Policy Talk.*

Appendix 2

TABLE OF ABBREVIATIONS

ACCESS	Administration of Complaints, Compliments, and Suggestions Scheme
AIMS	Australasian Integration Management Services
ARMS	At-Risk Management System
ATSI	Aboriginal and Torres Strait Islander
AVS	Aboriginal Visitors Scheme
BBV	Blood-borne virus
BMP	Behaviour Management Plans
CERT	Correctional Emergency Response Team
CMS	Custodial Management System
COVAID	Control of Violence in Angry Impulsive Drinkers
CSCS	Court Security and Custodial Services
DCS	Department of Corrective Services
ERA	Economic Regulation Authority
FTE	Full-Time Equivalent
ILO	Intelligence Liaison Officers
IMP	Individual Management Plan
LS/RNR	Level of Service/Risk, Need, Responsibility checklist
MoU	Memorandum of Understanding
OHS	Occupational Health and Safety
PERC	Prisoner Employment and Remuneration Committee
PSO	Prison Support Officers
PWS	Psychological Wellbeing Services
SAMS	Support and Monitoring System
SOG	Security Operations Group
VOTP	Violent Offender Treatment Program

Appendix 3

Recommendation	Serco Response/ Level of Acceptance	DCS Response/ Level of Acceptance
1. Ensure the Acacia prison services contract includes performance measures linked to achieving specified outcomes, including reducing recidivism.	**Noted.** The recommendation is one that is outside the influence or control of Serco, or is one that where the Department will conduct further evaluation prior to making any commitment prior to support or progress. However, the Performance Measures were reviewed and enhanced in 2015/16 by Serco and DCS. A number of new PMs were created specified outcomes which are focused on reducing reoffending.	**Supported – existing Departmental initiative.** The Department's current agreement contains 13 performance measures linked to achieving specific outcomes. The Department is focused on reducing recidivism and is committed to implementing initiatives that decrease re-offending. The Department is embedding outcomes-based measures in its contracts.
2. Ensure the Department has sufficient financial management capability to develop and publicly report on robust performance and cost models for the prison system.	**Noted.** The recommendation is one that is outside the influence or control of Serco.	**Supported – existing Departmental initiative.** The Department of Treasury, in cooperation with the Department of Corrective Services, is currently developing a Cost and Demand Model for the provision of correctional services across the State. This model aims to provide robust cost and performance information and will be used to inform the Budget process.
3. The Department should introduce wearable cameras in high-risk areas of maximum and medium security prisons throughout the state.	**Noted.** The recommendation is one that is outside the influence or control of Serco. However, Wearable Body Cameras have been introduced at Acacia as part of Personal Protection Equipment for Custodial staff in High Risk Areas. Serco have shared information and experience with DCS.	**Supported – existing Departmental initiative.** The Department has introduced wearable cameras at Banksia Hill Detention Centre. Consideration will be given to extending this strategy.

Recommendation	Serco Response/ Level of Acceptance	DCS Response/ Level of Acceptance
4. The Department and Serco should examine the feasibility of making Acacia's Correctional Emergency Response Team available to respond immediately to emergencies at Wooroloo Prison Farm.	**Supported in Principle.** The recommendation is supported in principle by Serco. To put this in operation a Memorandum of Understanding (MAU) is needed. Serco have also suggested to DCS wider mutual aid support that Serco/ DCS can provide to each other.	**Not Supported.** This recommendation is not supported given the level of prior emergencies at Wooroloo Prison Farm and associated cost and liability issues.
5. Serco to commit to fully implementing the lifers' strategy and cease the cross deployment of the Lifers' Liaison Officers.	**Supported in Part.** The recommendation has multiple parts and some parts are supported while other parts are not supported. Serco is committed to fully implementing the lifer's strategy and whilst stability within this specific area remains a focus, Serco will implement measures to ensure that site wide operational delivery is not compromised. This may include cross deployment. Cross deployments remains a way in which we remain efficient and use our resources effectively.	This matter is for the consideration of Serco.
6. Serco ensure there are enough meaningful constructive and rehabilitative activities available within the Young Adults' Community.	**Supported.** The recommendation is fully supported and Serco will take action to address the recommendation through a focus on employment, education, program participation and the identification of sustainable outcome related initiatives.	The Department agrees that the young adult community at Acacia be meaningfully occupied with constructive and rehabilitative activities.

Recommendation	Serco Response/ Level of Acceptance	DCS Response/ Level of Acceptance
7. (a) Implement a more equitable regime that provides protection prisoners access to the full range of services available to other prisoners, and (b) Implement a suitable strategy that addresses the intimidation, abuse, or acts of malice towards protection prisoners from other prisoners living in the protection unit.	**(a) Supported.** Equitable services to protection prisoners forms part of the overall strategic objectives for the Reducing Reoffending program. **(b) Supported.** Safer Custody team will as part of the wider anti bullying and violence reduction strategy support actions and measures to reduce intimidation, abuse and or acts malice.	The Department is concerned with the findings of the inspection in relation to the issues described in the protection unit. Whilst this matter is for the consideration of Serco, the Department will work closely with Serco to ensure the security and safety of all prisoners.
8. The Department to examine appropriate options within the prison estate to establish specialised prisoner communities to optimise service delivery and application of resources.	**Noted.** The recommendation is one that is outside the influence or control of Serco.	**Supported – existing Departmental initiative.** The Department is reviewing its approach to population management and is considering best practice approaches to address the needs and requirements of prisoner cohorts that enables the optimisation of service delivery and resources.

Recommendation	Serco Response/ Level of Acceptance	DCS Response/ Level of Acceptance
9. Complementary to the 24-hour hotline, the Department increase the amount of face-to-face contact by the Aboriginal Visitors Service at Acacia to meet the expected outcomes of the Department's *Reconciliation Action Plan*.	**Noted.** The recommendation is one that is outside the influence or control of Serco.	**Supported – existing Departmental initiative.** Increasing the amount of face to face contact by the Aboriginal Visitor Scheme (AVS) at Acacia will be considered as part of the review of the operation of the AVS in order to continue to provide culturally appropriate support to Aboriginal people in contact with corrections as envisaged in the Department's Reconciliation Action Plan (RAP). However the scope of the Departmental RAP is broader than the AVS responsibility to provide a culturally secure support service for Aboriginal offenders. As a service provider Serco is expected to follow the Department's policies and procedures, the RAP being one of the Department's strategic policies. The RAP includes initiatives such as increasing employment of Aboriginal people to work with Aboriginal people, which is noted as a need in the OICS report, which is within the control of Serco and not something that the AVS can influence or lead. Working with Aboriginal organisations, establishment of an Aboriginal Services Committee, developing strategies to reduce recidivism, self-harm and suicide are all RAP initiatives which are possibly in the remit of the service provider, Serco and cannot be achieved by the Department's AVS.

Recommendation	Serco Response/ Level of Acceptance	DCS Response/ Level of Acceptance
10. Ensure prisoners have full access to recreation options, as scheduled.	**Supported.** The recreation team has a suite of health and fitness programs that will be delivered to both mainstream and protection prisoners.	The Department expects that all prisoners are provided with recreation.
11. Serco should significantly increase prisoner access to Skype to facilitate family and community contact.	**Supported.** Since the Inspection was conducted in November 2015, additional Skype facilities have been installed with further units are being considered.	The Department agrees with the use of technology to facilitate family and community contact, however, in relation to increasing prisoner access at Acacia, this matter is for Serco's consideration.
12. Increase the number of staff permanently stationed in the Detention Unit, and protect these positions from being cross deployed to other areas of the prison.	**Supported.** The staffing profile in the Detention Unit has been increased by one position since the inspection and an introduction of procedures will be undertaken to ensure that the DU is only used as a very last option for cross deployment.	Staffing matters are for the consideration of Serco.
13. (a) Ensure Acacia's new strategy to minimise prisoner violence and bullying is fully implemented, (b) the strategy is reviewed to measure its effectiveness and impact on violent incidents and prisoner safety, and (c) if favourably reviewed, the Department implement similar strategies to address prisoner bullying and violence.	(a) **Supported – existing Serco initiative.** The recommendation is already an existing Serco identified action. (b) **Supported – existing Serco initiative.** Safer custody team will review, analyse and trend relevant data to measure the effectiveness and impact of the strategy and will target and respond to any area of concern. (c) **Noted.** The recommendation is one that is outside the influence or control of Serco.	**Supported – existing Departmental initiative.** (a) and (b) are for Serco to implement. (c) The Department is responsible for developing and implementing Operating Standards and Procedures across the custodial estate. The Department is committed to continuous process and program improvement and will look forward to reviewing any evaluations that are undertaken by Serco to identify opportunities for learning and improvement.

Recommendation	Serco Response/ Level of Acceptance	DCS Response/ Level of Acceptance
14. Significantly increase psychiatric services at Acacia.	**Supported in Principle.** Serco support the recommendation however is affected by the current availability of psychiatrists within the state as well as the availability of forensic beds. The issue is wider than Serco and a state wide mental health service issue. It must also be noted that DCS health services have an agreed Memorandum Of Understanding (MOU) with the Department of health and via this MOU; Psychiatric services are supplied to all prisons from the state forensic service.	The provision of additional psychiatric services at Acacia is for the consideration of Serco.
15. Provide more support and interventions for prisoners struggling with drug and alcohol addictions.	**Supported.** As part of the Acacia Drug Strategy, opportunities are being investigated for additional drug and alcohol programs and interventions, both as part of the suite of IMP programs and voluntary programs.	The provision of additional voluntary programs, support networks, group therapy and health and fitness sessions is for the consideration of Serco.

Recommendation	Serco Response/ Level of Acceptance	DCS Response/ Level of Acceptance
16. Trial initiatives to reduce the risks of blood-borne viruses at Acacia, with a view to system-wide improvements.	**Supported in Part.** The implementation of a blood-borne virus nurse, assisted by medical staff to review the strategy of infection control and initiatives has commenced. Although initiatives and opportunities from this review may be beneficial to system wide improvements, DCS would need to support and drive the implementation of any initiatives across all facilities and establishments within the estate.	**Noted.** The Department is aware that Acacia have a new BBV Nurse who is coordinating all clinical aspects of BBV screening, care and treatment, including patient education. The Department will continue to explore specific strategies to minimise the spread of blood borne viruses; however, it will be Serco's decision to trial new approaches to harm reduction initiatives at Acacia Prison.
17. Serco to review health services at Acacia, and implement measures to improve efficiencies, effectiveness, and staff morale in the health centre.	**Supported – existing Serco initiative.** An independent consultant will commence a review of health care and an action plan based on recommendations will be developed and implemented.	This matter is for the consideration of Serco.
18. The Department and Serco work cooperatively to develop new interventions and offender programs that are suitable for Aboriginal prisoners, particularly those who are out of country or whose first language is not English.	**Supported in Part.** Acacia Prison looks forward to working with the Department to develop new interventions and programs suitable of Aboriginal prisoners to complement the existing actions in the Acacia Prison Aboriginal Action Strategy - Closing the gap.	**Supported – existing Departmental initiative.** The Department meets with Serco on a monthly basis to consider various matters relating to interventions and offender programs.

Recommendation	Serco Response/ Level of Acceptance	DCS Response/ Level of Acceptance
19. Adjust the Re-Entry Link contract to ensure enough resources are provided to meet the demand for re-entry services at Acacia.	**Noted.** The recommendation is one that is outside the influence or control of Serco.	**Noted.** The Department is progressing the development and implementation of an Individualised and Integrated Offender Management framework to improve and streamline its service delivery and resources.
20. Improve communication between Acacia staff and management as a matter of priority.	**Supported**. A permanent Director has been appointed and commences induction on 27 May and a new Human Resource Business Partner has commenced. As a result a full review of the communication strategy between staff and management will be undertaken at Acacia.	This matter is for the consideration of Serco.
21. Serco introduce an Aboriginal recruitment and employment strategy that is suitable to the cultural needs of Aboriginal staff.	**Supported.** Acacia will undertake a review of Aboriginal employment practices and identify areas for improvement through consultation with current Aboriginal staff and with external subject matter experts.	This matter is for the consideration of Serco.

Appendix 4

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2014 RECOMMENDATIONS

Recommendation No.	Recommendations Report No. 90, *Report of an Announced Inspection of Acacia Prison.*	Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
1.	(a) The Department's annual reports on the Acacia Prison Services Agreement should include a robust estimate of the costs it incurs in relation to Acacia Prison and an explanation of how these costs are calculated; and (b) The Department's main Annual Report should provide an outline of the relative costs of different prisons, not merely an average cost across the whole system.	•				
2.	The Department should progress variations to the Acacia Prison Maintenance Agreement so that performance expectations are clear to all stakeholders, and contractor performance can be more effectively managed.	•				
3.	Ensure that the opportunities presented for prisoner employment and training by (i) the new external store and (ii) the industrial training kitchen are utilised at the earliest opportunity.			•		
4.	Throughout the remainder of the expansion project, rigorous processes must be maintained to ensure that the risks and responsibilities of the various parties are clear, fully understood, and properly aligned, with security and safety as the paramount considerations.			•		
5.	At Acacia and across the whole prison system: (a) Train staff in the retrieval of people entangled in razor wire; and (b) Establish an MOU with outside agencies to supply equipment such as moveable platforms to assist with retrievals from razor wire at height.			•		
6.	Acacia should enhance its focus on dynamic security.			•		
7.	Ensure that it is standard practice for Acacia and all other prisons in the state to conduct regular audits of the operation and accuracy of personal alarms, and that deficiencies are remedied.			•		

Recommendation No.	Recommendations Report No. 90, *Report of an Announced Inspection of Acacia Prison.*	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
8.	Acacia should examine alternative options to using the detention unit for managing prisoners on restricted regimes or who require additional protection.		•			
9.	Acacia should ensure the detention unit is adequately staffed at all times and that staff adhere to operational procedures.	•				
10.	Acacia should ensure that there is an appropriate balance of experience levels between A shift and B shift.			•		
11.	To ensure that the contractor and the state meet their duty of care to prisoners, and that prisoners' hospital appointments are not cancelled, the Department should work with Serco to provide appropriate funding to cover (i) the cost of a secure vehicle; and (ii) the staff required for hospital sits.		•			
12.	Serco should introduce additional senior management positions, and realign management responsibilities, to ensure (i) that the Acacia senior management team does not lose focus on immediate operational priorities during the expansion; (ii) improved management/staff communication; and (iii) strong transition planning and change management.			•		
13.	Acacia should use the performance appraisal system in place at Acacia as intended for all staff.			•		
14.	Acacia should provide regular, ongoing cultural awareness training for both custodial and non-custodial staff.			•		
15.	Acacia should examine and implement strategies to improve the management and wellbeing of lifers and long term prisoners.			•		

Recommendation No.	Recommendations Report No. 90, *Report of an Announced Inspection of Acacia Prison.*	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
16.	Acacia should: (a) Reinvigorate its strategic focus on Aboriginal issues; and (b) Focus on recruiting and retaining more Aboriginal staff in all areas, including management, custody, education and support roles.		•			
17.	(a) Acacia should monitor, and as necessary enhance the Custodial Management System to ensure that it is functioning as an adequate movement control system; and (b) Acacia should have processes in place to ensure all prisoners are sufficiently trained in the Custodial Management System as well as processes to assist those prisoners who need help understanding and using this system.			•		
18.	Acacia should: (a) Cease the cross-deployment of recreation officers; and (b) Ensure that appropriate additional physical resources and staffing are available to meet current and future demand for recreation.		•			
19.	All prisons in the state, including Acacia, should innovatively expand the use of Skype or other on-line technologies to facilitate family and community contact, official appointments, coverage of significant occasions and connection with communities.		•			
20.	(a) Acacia should increase the number of treatment programs offered to prisoners; and (b) The Department should ensure that it encourages genuine innovation in program delivery and does not simply require Acacia to deliver the Department's own suite of programs.		•			

Recommendation No.	Recommendations **Report No. 90,** *Report of an Announced Inspection of Acacia Prison.*	Assessment of the Department's Implementations				
		Poor	*Less than acceptable*	*Acceptable*	*More than acceptable*	*Excellent*
21.	Acacia should reduce levels of Aboriginal unemployment and under-employment.		•			
22.	Acacia should immediately purchase a sufficient number of computers to meet the needs of adult literacy and numeracy students as well as external and business students.		•			
23.	The Department, in collaboration with Serco, should assess the best use of the new accommodation units to target needs and to reduce recidivism. Consideration should be given to linking this to new performance linked fee incentives.			•		
24.	The Department must ensure that under its new organisational arrangements, Acacia is still able to be innovative and that the opportunities for cross-fertilization are maximised.		•			

Appendix 5

INSPECTION TEAM

Neil Morgan	Inspector
Andrew Harvey	Deputy Inspector
Natalie Gibson	Director Operations
Raiyana Pavan	Director Review
Lauren Netto	Principal Inspections and Research Officer
Amanda Coghlan	Inspections and Research Officer
Michelle Higgins	Inspections and Research Officer
Jim Bryden	Inspections and Research Officer
Susan Stuart	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer
Grazia Pagano	Expert Adviser, Education and Employment
Dawn Freshwater	Expert Adviser, Health Care and Mental Health Care

Appendix 6

KEY DATES

Formal notification of announced inspection	29 July 2015
Pre-inspection community consultation	22 September 2015
Start of on site phase	4 November 2015
Completion of on site phase	18 November 2015
Inspection exit debrief	18 November 2015
Draft Report sent to Serco and the Department of Corrective Services	24 March 2016
Due date for return of report from Serco and the Department of Corrective Services	27 April 2016
Draft report returned by Serco and the Department of Corrective Services	27 April 2016
Declaration of Prepared Report	7 June 2016

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

OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

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

www.oics.wa.gov.au