



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Western Australia's Prison Capacity

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1 Inspector's overview

Introduction

Western Australia's prison population has risen very rapidly over recent years. Two new prisons have opened in the last four years (West Kimberley and Eastern Goldfields Regional Prisons) but the system has largely absorbed the extra numbers by adding bunk beds to single cells and by adding new accommodation units to existing prisons.

This has led the Opposition and the WA Prison Officers Union (WAPOU) to claim our prisons are overcrowded to the point of crisis, posing risks to staff and prisoners. However, the government and the Department of Corrective Services (the Department) say the system is not overcrowded, the risks are overstated, and there is actually still spare capacity.

Based on a snapshot date of 30 June 2016, this report evaluates:

- different tests of prison capacity
- prison occupancy rates
- whether prisoners' living conditions meet Australian and international standards
- risks arising from current population levels.

Our conclusions

This review is supported by the evidence contained in our inspection reports on individual prisons. It concludes that:

- most of our prisons are very crowded (too many prisoners for the available space and facilities)
- the Department's method of reporting has hidden the extent of the problem
- too many prisoners are held in cells that do not comply with Australasian standards and even International Committee of the Red Cross (ICRC) standards
- occupying cells above intended capacity is:
 - compromising prisoners' rights to privacy and decent treatment
 - generating risks to safety and rehabilitation
- services to prisoners are increasingly stretched
- staff, management and prisoners deserve the community's appreciation for the way they have coped with these pressures.

Some of the pressures at some sites will be temporarily relieved when the new Eastern Goldfields Regional Prison is filled and when the 'new' women's prison at the Hakea site ('Melaleuca') opens in December. However, most prisons will continue to operate above intended capacity and the new facilities will not meet future demand.

A new prison is needed. It should be designed with the flexibility to cater for different groups but the most obvious need is for a large metropolitan remand prison for men.

The system is paying the price for a decade of poor planning

It was obvious by the mid-2000s that another new prison was required. Planning and investment should have started then. In 2010-11 a large amount of money was made available – in excess of \$640 million – for new accommodation units and a double-bunking program.

West Kimberley Regional Prison has been a proven success and Eastern Goldfields has promise but, as I have said before, some of the decisions taken in 2010-11 were questionable. The biggest error was that virtually none of the money was directed to women despite their rising numbers and the impoverished state of the primary female prison (Bandyup).

The system has paid a price for this and the Department now faces a weekly challenge of managing prisoner numbers. For example, converting parts of Hakea to a women's prison has removed 256 beds for males on remand and created serious population pressures in the male estate.

It is time for a comprehensive long term custodial plan. This should assess the optimal use of every custodial site (including Banksia Hill Detention Centre) and should better target the needs of different groups of prisoners and juveniles.

The Department needs to be more accountable

This report contains a number of recommendations that call for greater transparency and accountability in Departmental planning and reporting. The Department also needs to improve the way it engages with accountability agencies who have a legislative duty to report to Parliament.

We send our draft reports to the Department so they can give feedback and responses to our recommendations and so we can incorporate this in the tabled report. These processes are vital to public understanding, Parliamentary accountability, and due process. Unfortunately, this report does not include the Department's feedback as they failed to respond, despite having ample opportunity:

- on 14 April 2016 we informed them we were undertaking the Review
- on 7 September 2016 we gave a briefing on our key findings
- on 30 September 2016 we sent the draft report, requesting a response by 28 October 2016 (a more generous time for feedback than other accountability agencies typically give)
- it is now 6 November and we have received nothing.

I cannot delay this report any further if I am to meet my legislative mandate.

The Commissioner for Corrective Services has spoken passionately about the importance of Parliamentary accountability. I do not doubt his personal and intellectual commitment. However, the fact is that the Department's processes and practices are not meeting his aspirations or the reasonable expectations of Parliament and independent accountability agencies.

In the past two years, we have been consistently delayed or frustrated in our efforts to get detailed, accurate and timely information (OICS, 2016c). The Auditor General (Office of the Auditor General Western Australia, 2016) and the Economic Regulation Authority (ERA,

2015) have publicly expressed similar concerns. Members of all political parties on the Legislative Council Standing Committee on Public Administration recently weighed in. Expressing dismay and irritation at bureaucratic secrecy and obfuscation, they took the unprecedented step of demanding new responses to their report on prisoner transport (WA Legislative Council Standing Committee on Public Administration, 2016).

I urge the Department to improve its processes and practices. The current situation is generating unnecessary reputational damage and scepticism (both internal and external). The last fifteen years have also shown that when accountability and responsiveness wane, operational risks increase.

Crowding is not just about beds

Debates about prison ‘overcrowding’ tend to descend into a tediously unproductive discussion of how many prisoners are being forced to sleep on mattresses on the floor. The issues run much deeper and wider than that.

In the last five years the Department has reduced the number of people sleeping on the floor by installing bunk beds in prison cells. That has averted some negative media but has not addressed the real issues. As the landmark report into the 1998 riot at Casuarina Prison put it:

‘The term ‘overcrowding’ is an oxymoron, because the condition that spells mismanagement is ‘crowding’ – that is *too many people in a facility or space*. It accurately describes the conditions that existed at Casuarina Prison on Christmas Day and in the days leading up to it – *too many prisoners for the available facilities*.’ (Smith, 1999, p. 5.2.4.6 *emphasis added*).

The same can be said of schools or hospitals: we cannot add more beds to hospital wards or more desks to classrooms without compromising privacy, facilities and quality of services.

Our prisons are very crowded

WA prisons were at 148% of design capacity on 30 June 2016

There is no perfect way to measure the extent of crowding at a prison. However, we concluded that the most accurate ‘rule of thumb’ is to compare the number of prisoners in the prison with the number it was designed to hold (‘design capacity’). This includes both the original design capacity of the prison and the design capacity of any additional accommodation.

Our approach aligns with common sense, with Productivity Commission benchmarks, with the Economic Regulation Authority (ERA, 2015), and with the New South Wales Inspector of Custodial Services (NSW Inspector of Custodial Services, 2015).

On 30 June 2016:

- the system as a whole was at 148 per cent of capacity
- Pardelup Prison Farm was the only prison at or below capacity
- Other prisons ranged from 120 per cent to 190 per cent of capacity.

The Department says that prisons are under capacity

As prisoner numbers and double bunking have increased, the Department has changed its measures of capacity. The terminology is very confusing. Different Departmental documents use different terms, including ‘operational’, ‘modified’ and ‘total’ capacity. Sometimes the terms are defined, sometimes they are not.

We decided to use ‘modified capacity’ to assess the WA prison population on 30 June 2016 as this appears to be the basis on which the Department is reporting to the Productivity Commission. Modified capacity differs from design capacity as it includes additional beds that have been installed in cells over and above design capacity, such as bunk beds.

Using this test, we calculated the prison system to be at 97% of capacity.

The Department’s reporting methods obscure the extent of crowding

Each year, the Productivity Commission publishes a Report on Government Services (ROGS). This includes data on prisons for all States and Territories.

ROGS reports for 2009-10 and 2010-11 revealed serious crowding, putting WA prisons at well over 130 per cent of capacity. But the 2011-2012 report put the figure at around 100 per cent, where it has stayed ever since.

This dramatic drop was not due to new prisons coming on line or to any objective improvement in prison conditions. It was just a statistical mirage. The Department had chosen to report on the basis of modified capacity not design capacity. In our view, this breaches ROGS guidelines as well as obscuring the extent of crowding.

People who live and work in our prisons know they are crowded

We are confident in our data but it is possible that the Department may dispute some technical aspects of our counting and conclusions. However, that will not in any way detract from our messages, and it is important not to fall into the trap of just debating technical definitions and precise numbers.

It is important also to listen to how those who live and work in prisons regard the situation. In the course of our prison inspections, we conduct staff and prisoner surveys and engage with management, staff and prisoners on-site. In most prisons, the evidence is all one way. They believe there are too many prisoners for the space, facilities and services, and are very concerned about the consequences for prisoners and staff. They appreciate the fact that the Department faces budget constraints but do not appreciate being told that an overcrowded system is not overcrowded.

The UK government apologised for using a similar test to that used by the Department

For six years, the UK government used a test that was very similar to that now used by the Department. In fact I was told in 2010 that WA had drawn directly on the UK approach in moving to ‘modified capacity’.

However, in June 2015, the Prisons Minister apologised for misleading Parliament and the public by using this test, and withdrew its use. He said it was wrong that doubled-up single cells had not been regarded as crowded: it was ‘unacceptable’, he said, that ‘incorrect figures’ had been published. He concluded: ‘publication of clear, reliable figures on how many

prisoners we hold in crowded conditions is an important element of making sure we can be held to account' (Travis, 2015).

There is no emergency or management buffer

Commentators and official reviews agree that prison systems need a buffer of 5-15 per cent to cater for emergency situations (such as the aftermath of the 2013 Banksia Hill riot), to allow ongoing repair and refurbishment, and to manage different prisoner cohorts. Even on the Department's measures, there was only a three per cent buffer on 30 June 2016. This is too little.

We also found that a large number of 'spare' beds were not in practice usable: they were at the wrong security level or in the wrong place.

Too many prisoners are held in conditions that fall short of national and international standards

We assessed cell sizes and cell sharing practices in Western Australia against a range of national and international standards. We concluded that:

- only one third of prisoners can be held in conditions that comply with Australasian Standard Guidelines for Corrections for cell size
- in design, the more modern cells generally meet Australasian Standard Guidelines for single occupancy, but double-bunking breaches those standards
- 16% of cells in older prisons do even not meet the lower International Committee of the Red Cross (ICRC) standards for single occupancy. In addition, many of these cells are routinely double-bunked
- the practice of routinely double bunking single cells is in breach of the 'Mandela Rules' (the United Nations Standard Minimum Rules for the Treatment of Prisoners). These Rules state that the double bunking of single cells should only be an exceptional temporary measure.

These standards are not legally prescriptive, but nor were they intended to be given only lip-service.

It has also been suggested that the standards are only 'aspirational'. However, if you say something is 'aspirational' there should be evidence that you are working towards it. The evidence is that WA is working away from the standards, not towards them.

Double-bunking creates risks to dignity and safety

Some prisoners prefer to share cells but the majority do not. We concluded that forced cell sharing:

- results in a loss of dignity and privacy
- impacts on the ability of remand prisoners to prepare for court
- impacts on prisoner rehabilitation

In terms of prisoner safety, there is some truth in the idea that cell sharing may reduce the risk of serious self-harm by prisoners who are stressed, unwell or at risk. However, if this is

to happen, it should be in specially designed cells or ‘buddy cells’ (where there is a door between adjacent cells).

We are also very concerned at the level of unknown violence, bullying and ‘unexplained injuries’ in shared cells. Recorded incidents are not a true measure of the problem because many prisoners, like battered women, attribute their injuries to ‘falling in the shower’ or ‘walking into a door’.

The Department does conduct ‘multi-cell occupancy risk assessments’ and has a system of ‘not-to-share’ alerts, but we have recommended that these systems be evaluated and improved.

Crowding has compromised service delivery

Prisons deliver a human service not a warehouse function. It follows that cell space is only one part of the equation for a ‘healthy’ prison. Prisoners will be far more accepting of cramped cell conditions if they are treated respectfully, and if they have enough positive daytime activities, such as employment, education and training, rehabilitation programs and physical recreation. As many prisoners have significant physical and mental health needs, they also need access to health services, counselling and other supports.

Appendix F summarises each prison by reference to crowding and service delivery. It shows that service infrastructure and staffing have generally not kept pace with the increase in prisoner numbers.

Riots reflect a range of factors, not just crowding

There is no direct causal link between overcrowding and serious incidents such as assaults on staff or riots. Such incidents reflect a confluence of causes, including a poor regime and poor culture. Good management can therefore reduce the risk. However, it is the case that the pressures created by crowding are a contributing factor.

Looking ahead

Our prisons are crowded and that needs to be recognised. Staff, management and prisoners also need to be recognised for the way they have tried to make crowded prisons work. However, services and dignity have been compromised.

At least one large new prison is required sooner rather than later. Planning for this prison should be based on a comprehensive review of the optimal use of existing facilities, and there is no reason why some of them could not change roles. The most obvious need is for a new metropolitan remand prison.

But at best it takes around three years before new prisons can come on line. There is little or no provision for new prison infrastructure in forward budget estimates, but the system is already unsustainably stretched. Plans and funding are urgently needed.

Neil Morgan

6 November 2016

2 Recommendations

Recommendation 1: That the Department commence planning and seek government approval for a new metropolitan prison catering primarily for male remandees.

Recommendation 2: That the government commit to a progressive replacement of old facilities, ensuring replacement facilities meet the *Standard Guidelines for Prison Facilities in Australia and New Zealand*.

Recommendation 3: That the Department commit to adhere to international standards and best practice in the use of single cells.

Recommendation 4: That the Department evaluates and improves the use of not-to-share alerts on TOMS.

Recommendation 5: That the Department return to using ‘design capacity’, as defined in this review, for reporting purposes.

Recommendation 6: That the Department commit to being open and accountable through full disclosure of procedures for modelling population projections and custodial infrastructure planning, and publication of its custodial infrastructure plan and contingencies.

3 WA’s prison population has expanded rapidly

The WA prison population has recently experienced significant growth that gives no indication of reversing. As the following table shows, the total prison population increased by 14.0 per cent in the year to 30 June 2016.

Table 1:

WA prisons population growth by facility: 30 June 2015 to 30 June 2016

Facility	30 June 2015	30 June 2016	Change (number)	Change (percentage)
Acacia	1391	1468	77	5.5%
Albany	273	418	145	53.1%
Bandyup	332	399	67	20.2%
Boronia	88	89	1	1.1%
Bunbury	296	332	36	12.2%
Casuarina	785	943	158	20.1%
Eastern Goldfields	80	104	24	30.0%
Greenough	275	323	48	17.5%
Hakea	889	962	73	8.2%
Karnet	316	323	7	2.2%
Pardelup	80	78	-2	-2.5%
Roebourne	166	173	7	4.2%
Wandoo	69	75	6	8.7%
West Kimberley	214	270	56	26.2%
Wooroloo	302	376	74	24.5%
Grand Total	5,556	6,333	777	14.0%

A handful of prisoners are held outside the prison system at any time, as they have been admitted to a hospital for treatment. This includes the secure mental health facility at the Frankland Centre. There were 15 such prisoners on 30 June 2016.

During Estimates hearings in 2015 the Commissioner of Corrective Services stated that “in the medium term we potentially need to be walking into a new facility over the next three years” if the prisoner population continued to grow by the rate then conservatively estimated at between three and six per cent (WA Parliamentary Estimates Committee A, 2015, p. 15). One year later, and after a growth that was double that projected, there was still no provision in the forward estimates for such a project (Government of Western Australia, 2016).

This review sought to understand whether the WA prison system was crowded and, if so, to what extent. It also considers whether infrastructure and other resources have kept pace with the growth in the prison population.

4 ‘Design capacity’ is the most accurate measure of prison capacity

To determine whether a prison is crowded, one must know how many people it is meant to hold, that is, its capacity. A number of definitions of capacity have emerged over the years.

In 1987, Professor Richard Harding identified three definitions of capacity: design capacity, rated capacity, and operating capacity:

- design capacity (the number of beds or prisoners that the prison was originally built with the intention of holding)
- rated capacity (the number of beds or inmates authorised by correctional administrators to be assigned to a prison)
- operating capacity (the number of beds or prisoners that can be accommodated consistent with the maintenance of programs and services).

He noted that while design capacity was a relatively static measure, the other measures were elastic and tended to drift upwards according to need (Harding, 1987, p. 17).

Design capacity

We consider that ‘design capacity’ is the most accurate measure of a prison’s capacity, and define it as follows:

Design capacity means the number of prisoners a facility was designed to house, whether in single cells, or in appropriately designed multiple-occupancy cells. Design capacity includes accommodation that existed when the prison was first commissioned and any new accommodation units.

Design capacity does not include beds or bunks that have been:

- retrofitted into existing accommodation, or
- installed in new accommodation cells that were designed for single occupation.

Our definition is broadly consistent with:

- the approach taken by the Economic Regulation Authority (ERA) in its recent prisons inquiry (ERA, 2015, p. 179)
- the definition used by the NSW Inspector in his 2015 report *Full House: The growth of the inmate population in NSW* (NSW Inspector of Custodial Services, 2015, p. 24)
- the Productivity Commission’s definition of design capacity. (The *National Corrections Advisory Group Data Collection Manual 2013-14* allows for the inclusion of any newly built accommodation but appears to exclude ‘doubling up’ (NSW Inspector of Custodial Services, 2015, p. 24).)

Although we have concluded that design capacity is the best measure, it is not perfect because it refers to beds and does not factor in other services and infrastructure. For example, if a prison was originally designed for 500, its designers would probably have included supporting infrastructure for 500. If another 250 single cells are added to the prison, and are not doubled up, the design capacity increases to 750. However, the prison remains the same size, and history shows that supporting services are rarely increased to reflect higher numbers.

Operational capacity

The Department of Corrective Services defines ‘operational capacity’ as the number of prisoners that can be accommodated safely in a facility, taking into account availability of beds, staffing, health and rehabilitation services, and supporting infrastructure.

As the NSW Inspector of Custodial Services pointed out in his 2015 report, operational capacity is less suitable than design capacity as a test of crowding because it can be altered by the prison’s own management plan. That is:

When the population of a centre grows, a centre can install more beds into existing cells, thereby increasing the ‘operating capacity’ of a centre without increasing resources and services. This is illustrated by the International Centre for Prison Studies, which observes, “...countries can decide and sometimes change the designated capacity of a prison. By moving a bunk bed into a cell the capacity doubles and 100 per cent overcrowding disappears!” (NSW Inspector of Custodial Services, 2015, p. 24)

Similarly, our 2010 inspection of Casuarina Prison highlighted the difference between design capacity and operational capacity as follows:

The operational capacity includes all bunk-beds or other beds that have been installed to accommodate increased numbers (but not the mattresses on the floors that are found in some prisons). Thus while Casuarina was operating just below its full operational capacity it was in fact very overcrowded. Around 80 per cent of its prisoners were living in cells at double their design capacity. (OICS, 2010, p. iii)

In short, operational capacity allows overcrowding to be hidden. Although design capacity has some definitional problems, the NSW Inspector therefore decided to use design capacity as a measure for assessing levels of crowding in the NSW prison system. (NSW Inspector of Custodial Services, 2015, p. 25). We agree with this approach.

Modified capacity

In the past the Department has used the concept of ‘modified capacity’ (for example in their 2008/09 and 2009/10 Annual Reports).

Modified capacity is similar to operational capacity. It includes: the number of prisoners a facility can accommodate following the installation of additional beds in existing accommodation units, usually through installation of one or more additional beds in a cell or room. Informal beds such as mattresses or trundle beds are not included. Nor are beds intended for special use only (such as crisis care and medical).

The Department tends no longer to use the term ‘modified capacity’. However, we have chosen to refer to it in this review as it appears similar to how the Department has chosen to report on the capacity of its prisons to the National Productivity Commission. It also remains a field in the Department’s Total Offender Management System (TOMS).

Special and total capacity

In addition to the above terms, the Department uses two other terms:

- ‘special capacity’ refers to the number of beds in special purpose, short-term cells
- ‘total capacity’ is the combined total of ‘modified’ and ‘special’ capacity beds.

Compliant capacity

The government, through the Department, has signed up to *Standard Guidelines for Prison Facilities in Australia and New Zealand (1990)*.

In this review, we use the term ‘compliant capacity’ to refer to the number of prisoners in a facility who are accommodated in cells that comply with these standards.

Appendix D provides further information on all these definitions.

5 Our prisons are above or at ‘capacity’ depending on the measure used

On 30 June 2016 the WA prison system was at 148 per cent of ‘design capacity’

On 30 June 2016 the WA prison system had a design capacity (as defined above) of 4,279 and a prisoner population of 6,333. It was therefore 148 per cent above its design capacity.

The following table shows that some prisons are more affected by crowding than others. Any percentage greater than 100 means that cells are being shared outside the prison’s design capacity.

Table 2:
Crowding in WA prisons as at 30 June 2016

Facility	Design capacity	Prisoner population	Deficiency	Utilisation
Acacia	1,051	1,468	417	139.7%
Albany	244	418	174	171.3%
Bandyup	209	399	190	190.9%
Boronia	71	89	18	125.4%
Bunbury	223	332	109	148.9%
Casuarina	496	943	447	190.1%
Eastern Goldfields	89	104	15	116.9%
Greenough	223	323	100	144.8%
Hakea	624	962	338	154.2%
Karnet	218	323	105	148.2%
Pardelup	96	78	-18	81.3%
Roebourne	144	173	29	120.1%
Wandoo	57	75	18	131.6%
West Kimberley	217	270	53	124.4%
Wooroloo	317	376	59	118.6%
TOTAL	4,279	6,333	2,054	148.0%

Levels of crowding are especially acute at Casuarina, Bandyup and Albany (over 170%). Levels at Hakea, Karnet, Greenough and Bunbury are also over 140 per cent.

The only prison operating at or below design capacity is Pardelup Prison Farm.

This situation is of particular concern because there are no major capacity building projects in the pipeline other than this year’s opening of the new Eastern Goldfields Regional Prison, and the conversion of units at Hakea Prison to a female prison (the Melaleuca Remand and Reintegration Facility).

On 30 June 2016 the WA prison system was at 97 per cent of ‘modified capacity’

Even using the far more liberal ‘modified capacity’ the WA prison system was operating at 96.8 per cent on 30 June 2016. Vacancies are unevenly distributed, and there is little capacity to securely and humanely accept extra prisoners.

The following table shows the occupancy rate of modified bed capacity by prison as at 30 June 2016. It compares prisoner numbers against the number of registered beds.

Table 3:
Occupancy of modified bed capacity at 30 June 2016

Facility	Modified capacity	Prisoner population	Surplus beds	Bed utilisation
Acacia	1,475	1,468	7	99.5%
Albany	489	418	71	85.5%
Bandyup	385	399	-14	103.6%
Boronia	95	89	6	93.7%
Bunbury	340	332	8	97.6%
Casuarina	995	943	52	94.8%
Eastern Goldfields	104	104	0	100.0%
Greenough	333	323	10	97.0%
Hakea	955	962	-7	100.7%
Karnet	326	323	3	99.1%
Pardelup	96	78	18	81.3%
Roebourne	198	173	25	87.4%
Wandoo	77	75	2	97.4%
West Kimberley	291	270	21	92.8%
Wooroloo	382	376	6	98.4%
TOTAL	6,541	6,333	208	96.8%

In practice, many of the ‘spare’ beds are not usable

Table 3 shows that, using modified capacity, there were 208 spare beds on 30 June 2016. However, this ‘spare capacity’ is unevenly distributed across the prison estate and in practice much of it is unusable.

Many of the vacant beds are not where they are required. 49 (26%) of the spare beds were in work camps (not including the mothballed Warburton Work Camp). The minimum-security Pardelup Prison Farm accounted for another 18 beds. The Department’s classification and assessment tools have meant that these beds have been unused in recent years.

On the other hand, bed capacity in Bandyup and Hakea was over-utilised, and we have recently noted an increase in the use of floor mattresses and trundle beds as numbers continue to rise. We also found that a small number of prisoners had to be accommodated in special accommodation units such as in crisis care, or multipurpose management cells. In most cases these placements were appropriate, but sometimes they were made simply because there was nowhere else to put the person. For example, Eastern Goldfields Regional Prison had been using three of its management cells to each house two or more maximum-security prisoners on mattresses.

The lack of ‘buffer capacity’ makes it harder to manage prisons

Commentators and official reviews agree that a 5-15% buffer should be maintained for efficient and effective management of prisoners (NSW Inspector of Custodial Services, 2015, pp. 27-28).

Given a prison population of 6,333 at 30 June 2016, a 5-15 per cent buffer would require between 333 and 1,118 spare beds. Regardless of the method of counting capacity, WA had nothing like that buffer.

One reason for a buffer is to cater for situations where a facility, or part of a facility, becomes unusable due to fire or other emergency. For example, following a riot at Banksia Hill Detention Centre in January 2013, the Department had to transfer a large number of detainees to some then unused units at Hakea Prison. That arrangement was in place for ten months. Currently there is no such 'spare' capacity.

Other reasons for a buffer include the need to:

- cater for movements and the needs of different cohorts (NSW Inspector of Custodial Services, 2015, pp. 27-28)
- allow for repairs and maintenance (Auditor General of Canada, 2014, p. 3)
- enable the separation of incompatible groups for the safety and security of both inmates and staff (ibid)
- cater for inmate transfers (NSW Parliament Legislative Council Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities, June 2013, p. 6)
- provide special purpose accommodation (ibid)
- provide separate facilities for male and female prisoners (ibid)
- provide separate facilities for different classifications (ibid)
- manage short-term fluctuations in the size of the prison population (ibid)
- avoid the need for hot-bedding (ibid).

The failure of successive governments to maintain a proper buffer has reduced the Department's ability to address these matters.

In our April 2016 report into our inspection of Hakea Prison we recommended that:

The WA Government and the Department of Corrective Services prioritise and fund the construction of a new purpose-built remand facility for the Perth metropolitan area that incorporates aspects of design that will facilitate best practice and technology in remand prisons, and meet international obligations with regard to meeting the rights of unconvicted persons in custody

The Department responded to this recommendation as follows:

Any funding decisions regarding new facilities will be made by Government. The Department will support the Government to ensure that any investment in new infrastructure considers a range of options, aligns to demand and delivers value for money.

However, as the Commissioner pointed out during Estimates in 2015, if the prisoner population continued to grow by the rate then conservatively estimated at between three and six per cent "we potentially need to be walking into a new facility over the next three years" (WA Parliamentary Estimates Committee A, 2015, p. 15). With a growth that was at least double that projected, a WA prison system at 148 per cent of 'design capacity', with no buffer to permit the efficient and effective management of prisoners, and with no provision in the forward estimates for any new prison (Government of Western Australia, 2016) the Department needs to reconsider its position, and according we make the following recommendation.

Recommendation 1: That the Department commence planning and seek government approval for a new metropolitan prison catering primarily for male remandees.

6 Only 32 per cent of WA prisoners can be held in compliance with the 1990 Australasian Standard Guidelines

There are a number of national and international standards for cell size

Standard Guidelines for Prison Facilities in Australia and New Zealand

The Department of Corrective Services stated to us in an email on 14 June 2016 that it ‘designs custodial cells in accordance with *Standard Guidelines for Prison Facilities in Australia and New Zealand*’. These guidelines were originally published in 1990 and have been reaffirmed as applying to all Australian prisons in subsequent revisions of the *Standard Guidelines for Corrections in Australia*, including the latest, 2012 revision (Corrective Services Ministers' Conference, 2012, pp. 24, guideline 2.3).

The *Standard Guidelines for Prison Facilities in Australia and New Zealand 1990* (Australasian Standard Guidelines 1990) provide that a single person cell without ablution facilities (toilet, shower, and basin) should be a minimum of 7.5 m² (‘dry cells’). An additional 1.25 m² is required for cells that include ablution facilities (‘wet cells’). If a cell is to be shared, a further 4.0 m² is required for each additional person.

The following table shows the total square metres, by the number of prisoners per cell.

Table 4:

Cell sizes prescribed in Standard Guidelines for Prison Facilities in Australia and New Zealand by number of prisoners to be housed (m²)

	1	2	3	4	5	6
Minimum – no ablutions	7.5	11.5	15.5	19.5	23.5	27.5
Secure – with ablutions	8.75	12.75	18.0	22.0	26.0	30.0

Victorian Fire and Safety Guidelines

In an email dated 11 August 2016 in response to a query from this Office about cell standards, the Department stated that:

Acacia 387 bed expansion and Eastern Goldfields Regional Prison were both based on Victorian Fire and Safety Guidelines (however, were strengthened to meet WA requirements). The Department is seeking to develop specific guidelines for WA for any future new facility planning.

The *Victorian Fire and Safety Guidelines* (Corrections Victoria, 2013) was originally created following a coronial investigation into five deaths at Port Phillip Prison in 1997-1998 (Tobeck & Weinert, 2012). It was developed to minimise risks in cell design associated with self-harm and fire and is fundamentally a technical document. As it was framed to meet fire safety and building codes in Victoria, adaptation is needed for custodial building projects in other states.

The *Victorian Fire and Safety Guidelines* does not discuss cell sizes but accepts the minimum size for a single wet cell of 8.75 m² specified in the Australasian Standard Guidelines 1990. However, it subverts the intent of those Guidelines by also applying the 8.75 m² minimum to a double-bunked cell (Corrections Victoria, 2013, p. 11).

We accept that the *Victorian Fire and Safety Guidelines* is a useful technical resource for cell safety and fire minimisation. But they are not a guide about cell-size.

In line with the Australasian Standard Guidelines, we do not accept that two people may be decently accommodated in the space required for one.

International standards

The Australasian Standard Guidelines 1990 are broadly in line with those applicable in other developed nations. These include the American Correctional Association, a non-government certification agency (American Correctional Association, 2010), and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (desirable) (CPT, 2015, p. 3) – see Appendix D.

The Australasian Standard Guidelines 1990 are more generous than the international standards promoted by the International Committee of the Red Cross (ICRC). This is entirely appropriate given that the ICRC standards are mainly focused on lifting standards at a global level. They acknowledge that many developing nations in particular will struggle to attain even basic levels of decency, especially in the conflict and displacement zones where Red Cross monitors are involved.

However, the ICRC standards are also relevant in Australia. The ICRC *Water, Sanitation, Hygiene and Habitat in Prisons* handbook specifies that 5.4 m² is the minimum area for a single cell without sanitation, while 3.4 m² is required per detainee for dormitory cells (ICRC, 2013, p. 18). A supplementary guide clarifies that 6.6 m² is the minimum size for a single cell with sanitation. For multiple cells the 3.4 m² area includes sanitation but 1.6 m² is to be deducted from the minimum space requirement for each double-bunk used (ICRC, 2012, pp. 30-31).

Most WA prisoners are held in cells that do not meet Australasian Standard Guidelines

On 30 June 2016 WA prisons were capable of holding only 32 per cent of the population in compliance with the Australasian Standard Guidelines 1990.

Table 5:
Compliant beds vs population by prison at 30 June 2016

Facility	Compliant beds	Prisoner population	Compliant beds as % of population
Acacia	536	1468	36.5%
Albany	67	418	16.0%
Bandyup	70	399	17.5%
Boronia	71	89	79.8%
Bunbury	72	332	21.7%
Casuarina	216	943	22.9%
Eastern Goldfields	63	104	60.6%
Greenough	102	323	31.6%
Hakea	78	962	8.1%
Karnet	120	323	37.2%
Pardelup	12	78	15.4%
Roebourne	103	173	59.5%
Wandoo	7	75	9.3%

West Kimberley	182	270	67.4%
Wooroloo	349	376	92.8%
TOTAL	2048	6333	32.3%

Once again, as the table demonstrates, there are significant differences between prisons. The proportion of the prisoner population able to be accommodated in compliant beds ranges from just 8.1 per cent at Hakea, to 96 per cent at Wooroloo.

Many older cells fail to meet ICRC standards for single occupancy and are also routinely double-bunked

Prisons developed prior to the Australasian Standard Guidelines 1990 ('legacy stock') had cell sizes significantly below modern standards. They are a major contributor to the failure to meet the Australasian standards.

The older units at Hakea and Bandyup, and the reception units in regional prisons all have cells with sizes in the range 5.1 to 6.4 m². This means they do not even meet the Red Cross standard for a single wet cell of 6.6 m².

In fact, most of these cells are now double-bunked, putting them even further in breach of ICRC standards.

Further analysis found that 655 standard cells in the WA prison system failed to meet the minimum ICRC standards for developing countries (16% of all standard cells).

It is also of serious concern that newly received prisoners are very likely to find themselves in these small old cells, often doubled up.

Much newer custodial accommodation also fails to meet Australasian Standard Guidelines 1990 for cell sizes

Newer stock was closer to being compliant with the Australasian Standard Guidelines standard of 8.75 m² for secure wet cells. Casuarina was commissioned in 1991 with cells we found to be 8.5 m². Acacia, commissioned in 2000 typically had 8.3 m² cells. However, Unit 3 at Albany was built in the 1990s with cells just 8.08 m² in size.

In the current decade, permanent new prison facilities, such as new units at Hakea, Casuarina and Albany, have cells which would be compliant with the 1990 Australasian Standard Guidelines *if occupied by one person*. However, as noted above, they have generally been double-bunked and therefore fall short of those standards.

Demountable accommodation of various types has also been installed over the years. None of this meets the Australasian Standard Guidelines 1990. The new demountables include rooms with ensuites installed at Karnet and Bandyup, which were double-bunked. The high quality new work camps have rooms that are only 6.1 m² in size, but the issues here are mitigated as the camps are spacious, and prisoners are not locked in their rooms.

Recommendation 2: That the government commit to a progressive replacement of old facilities, ensuring replacement facilities meet the *Standard Guidelines for Prison Facilities in Australia and New Zealand*.

Continued installation of double-bunks exacerbates non-compliance with Australasian Standard Guidelines 1990

The Department told us that it ‘designs custodial cells in accordance with *Standard Guidelines for Prison Facilities in Australia and New Zealand*’ (Email of 14 June 2016).

The most recent secure cells would meet these standards if they were occupied by one person. In practice, however, the standards are breached because:

- new cells that were created and sized as single cells were double-bunked before being used for the first time
- the Department has retrofitted double-bunking into single cells.

While a small proportion of double-cells are needed to facilitate support between prisoners, we believe that in most facilities, this should only comprise five to ten per cent of accommodation, not the 50 to 100 per cent that now prevails.

In addition, cells which accommodate two people need to be larger than a single cell to provide additional floor space, a separate desk and chair, and properly screened ablutions.

Multiple-occupancy cells remain a valuable option for some prisons, but in these cases cells designed for occupancy by four people should never be occupied by eight or more as has been the case at Roebourne Regional Prison, and on occasion at the old Eastern Goldfields Regional Prison.

In short, the Australasian Standard Guidelines 1990 were not intended to be legally prescriptive. But nor were they intended only to be given lip-service.

7 Double-bunking is contrary to UN standards, and its risks are not being sufficiently addressed

The Mandela Rules strongly affirm the use of single prisoner cells

The United Nations Standard Minimum Rules for the Treatment of Prisoners were adopted in 1955, and subsequently revised and re-adopted by the UN General Assembly in October 2014 as the ‘the Mandela Rules’ (United Nations Economic and Social Council, 2015). They state that:

- ‘All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment....’ (Rule 1)
- a principle of non-discrimination (Rule 2)
- that the affliction of separation from the outside world are afflictive and should not be unduly aggravated (Rule 3)
- there should a focus on rehabilitation of individuals (Rule 4), and
- ‘The prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings’ with appropriate accommodation and adjustments made for those with disabilities (Rule 5).

Rule 12 addresses the question of shared custodial accommodation. It states:

1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.
2. Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the prison.

Thus the Mandela Rules strongly affirm the primacy of single cell occupancy. Double-occupancy of single cells is to be an ‘exception’ to normal practice, only made for ‘special reasons’ such as ‘temporary’ overcrowding.

Rule 12 does allow for dormitory style cells to be used where prisoners have been carefully selected for their suitability to associate with one another. WA has traditionally provided some multi-occupancy cells in regional prisons, allowing Aboriginal people with family and cultural ties to share together. However, Rule 12 does not support two prisoners sharing a single cell or the over-occupancy of shared cells.

The Mandela Rules contrast with the situation in WA, where prison administrators and government have changed their language about double-bunking over the last ten years. Double-bunking is no longer treated as an exceptional temporary measure but as a practice that should be embraced as safe and secure (DCS, 2009, p. 123) (McMahon, J, 2016).

We agree with the Mandela Rules position against having two prisoners sharing a cell for many reasons. It results in a loss of human dignity, affects the ability of people to prepare for court, impacts on rehabilitation, and increases risks to personal safety.

Recommendation 3: That the Department commit to adhere to international standards and best practice in the use of single cells.

Cell sharing results in a loss of human dignity

As explained earlier, many cells in Western Australia are very small. They do not even meet the Australasian Standard Guidelines 1990 for housing one prisoner, let alone two. Resources in such cells are also very limited, requiring cell mates to negotiate with each other for use of floor space, the single desk and chair, bunk allocation, TV or radio, lights, and toilet.

Toilets in shared cells are unscreened and there is no dignified way to use them in front of another person. This presents particular problems at night when prisoners are locked in cell for 12.5 hours or more. People also have diverse sleeping habits, and snoring, apnoea and vocalisations are not the worst that a cell mate may have to experience.

There is an inherent loss of dignity and privacy in having to share such intimate aspects of one's life with another person, or with having to experience this from someone else.

Cell sharing impacts on the ability to prepare for court and on rehabilitation

Sharing a small cell makes running a legal defence or appeal difficult to impossible. In these situations, prisoners may need to access sensitive material which is either sensitive to their own reputation, or that of co-offenders, victims and others. This may cause concern to the Prison. In addition there may be large amounts of material involved which is difficult enough to manage in a small cell, but impossible in one shared by two or more prisoners.

Cell sharing is also harmful to prisoner rehabilitation. Study of any kind is difficult in a shared cell, whether for basic education, higher level education or religious study. At best, one person can study at a small desk with little peace or privacy.

Intensive programs for violent offenders, sex offenders, and substance users also require time for personal reflection and writing. This can evoke strong emotions which can be troubling, for both the program participant and the cellmate, and it can be hard to keep materials confidential. While hobbies can also aid rehabilitation, prisoners are less able to write, paint, play a musical instrument, or do craft in a shared cell.

Sharing cells increases risks for prisoners

Despite the Department's arguments to the contrary, our inspections have consistently found that most people share a cell because they have to, not because they need support or want to share. We have also found that cell sharing brings risks to their personal safety and wellbeing, as well as indignities and loss of privacy.

In recent years, as crowding has increased, senior correctional officials have suggested that cell sharing is not only safe for prisoners, but is actually safer than single occupancy. It is said that people who share are likely to look out for one another and less likely to engage in acts of self-harm.

There is some truth in the idea that cell sharing may reduce the risk of serious self-harm by people who are stressed, unwell or at risk. In 1991, the *Royal Commission into Aboriginal Deaths in Custody* (recommendation 173) said there should be provision for cell sharing in such circumstances, and regional prisons have included some multiple-occupancy cells to facilitate mutual support and sharing by kinship groups (RCIADC, 1991). Some metropolitan facilities, including Hakea and Acacia were also built with buddy-cells, a door between adjacent cells that allowed a prisoner to support and mentor another prisoner.

However, as with the Mandela Rules, the point of multi-occupancy and buddy cells was that cell sharing was *not* the norm. It was an exception that reflected need. And if it did occur, it was to be in specially designed cells, not in doubled-up single cells. The Royal Commission would never have advocated routine doubling up of single cells.

In recent years, we have become increasingly concerned at the level of violence, bullying or coerced behaviour that appears to be occurring in shared cells.

Some of these incidents are officially recorded. For example, as part of our 2015 inspection of Hakea Prison, we examined a month's incident reports. We found that six of 34 incidents of recorded assaults or fights had taken place in cells. We also found two in-cell sexual assaults had been reported in the previous 12 months (OICS, 2016b, p. 17).

However, recorded incidents are not a true measure of the extent of the problem. They are likely to be just the 'tip of an iceberg' because victims will often not want to 'dob' on their cellmates. While we cannot accurately measure the full extent of the problem, people working in prisons have expressed growing concern about the number of people presenting with 'unexplained injuries'. We have also come across too many cases of prisoners with black eyes or bruises caused by 'falling in the shower' or 'knocking into a door'.

We believe that the Department needs to do more to understand the extent of the problem and to respond to it, a point we made in our latest report on Acacia Prison (OICS, 2016a, pp. 48-49). Lack of spare beds also means that prisons have less ability to separate the less settled, more aggressive, or even vulnerable prisoners from others, except in the most obvious cases.

The Department is not sufficiently mitigating the risks of cell sharing

The Department does not have sufficiently robust processes to mitigate the risks arising from cell sharing:

- Multi-cell Occupancy Risk Assessments are not always carried out to the letter
- only a very small number of prisoners have a 'not to share' (NTS) alert
- three quarters of prisoners the Department identifies as 'predators' do not have a NTS alert against them.

Multi-Cell Occupancy Risk Assessments

Prisons must complete a *Multiple-Cell Occupancy Risk Assessment* for every new prisoner. The assessment is simple – and involves an officer asking whether sharing with a smoker would be an issue for the prisoner, and whether the prisoner has any issues that would rule out sharing. The officer, who also has access to any existing alerts for that person, has to evaluate any issues and determine whether there is any justification for initiating a Not-to-Share (NTS) alert.

The bar is set very high. Officers say they are advised to apply such an alert only if medically required, or if some other very serious reason emerges.

Our recent inspection of Hakea also found that prisoners were no longer being asked whether they had an issue with sharing with a smoker because the official policy was that no-one is allowed to smoke in their cell (OICS, 2016b, p. 39). This meant that prisoners were not protected from side-stream smoke from those who break the rule.

Not to share alerts

We examined TOMS data for 16 June 2016 and found that 2.8 per cent of prisoners had a NTS alert placed on them. Numbers varied widely between prisons.

Table 6:
NTS Alerts by facility as at 16 June 2016

Facility	NTS Alert	Prison population	%
Acacia	83	1467	5.7%
Albany	20	424	4.7%
Bandyup	5	389	1.3%
Bunbury	5	330	1.5%
Casuarina	25	936	2.7%
Greenough	1	322	0.3%
Hakea	11	949	1.2%
Karnet	2	321	0.6%
Pardelup	1	78	1.3%
Roebourne	1	183	0.5%
West Kimberley	3	266	1.1%
Wooroloo	4	375	1.1%
TOTAL	161	6308	2.6%

Of these 2.6 per cent, only a few were placed on a prisoner as a result of a Multiple-Cell Occupancy Risk Assessment. Of 17 NTS alerts on prisoners at Hakea and Bandyup on 18 July 2016 only four were applied through the risk assessment process due to issues arising in a previous stay:

- two for mental health reasons
- one due to sexual assault in a prior sentence
- one for an unidentified reason.

The remaining 13 alerts were applied at a later date for a variety of reasons, including five that were applied following medical advice, one following sexual assault by his cell mate, and one following his identification as a predator.

Predatory behaviour alerts

On 16 June 2016, there were 64 prisoners with a Predatory Behaviour alert. They are people who have already caused significant harm to other people within the custodial environment.

Despite these low numbers, the table below shows that only 25% of these prisoners had an NTS alert to protect other people from having to cohabit with them. This appears to indicate

that systems intended to protect people in custody may have been distorted by the pressure to manage ever more people in crowded prisons.

Table 7:
NTS alert status of prisoners with a Predatory Behaviour alert

Facility	Has NTS Alert	Lacks NTS Alert	Total
Acacia	7	13	20
Albany		6	6
Bandyup	1	5	6
Bunbury	1	3	4
Casuarina	7	9	16
Eastern Goldfields		1	1
Greenough		2	2
Hakea		3	3
Karnet		3	3
Roebourne		1	1
Wandoo		1	1
West Kimberley		1	1
TOTAL	16	48	64

The finding that only 25 per cent of those identified as predators have a NTS alert placed on them on TOMS may be part of a wider issue with respect to cell sharing assessments. Other flags that we examined on TOMS which had not necessarily triggered a NTS alert included:

- security threat group – gang membership
- sexual predator based on prior prison behaviour
- Violence Restraining Order in relation to a person in the community
- risk to and risk from other prisoners.

In summary, we believe the Department needs to evaluate and improve its use of not-to-share alerts on TOMS.

Recommendation 4: That the Department evaluates and improves the use of not-to-share alerts on TOMS.

8 Prison services become compromised by crowding

The ERA Prisons Inquiry noted that design capacity only measures a prison's capacity to provide accommodation and 'does not consider the capacity of prison to manage and deliver services to prisoners' (ERA, 2015, p. 179). Access to such prisoner services and required levels of staffing are essential if a prison and the system as a whole is to meet its objectives in relation to prisoner safety and rehabilitation.

Management and staff at our prisons deserve great credit for the way they have, to date, managed around the growth in crowding. So do the prisoners. But the pressures and risks are real.

In reality, prison services rarely grow at the same pace as prison capacity. While accommodation has been expanded in WA through the retrofitting of bunks to existing cells, and through the installation of additional accommodation units, service capacity has not expanded to the same degree.

As Wener noted in 2012:

Although organizational adaptations can be effective, crowding will still likely reduce access to medical services, and program success. It is still likely to reduce the ability of a facility to have a positive impact on recidivism through educational, therapeutic, or training programs (Wener, 2012, p. 155).

In its draft report, the ERA flagged the development of some kind of measure of the capacity in services and staffing for each facility. However, it accepted advice that different prisoner cohorts had such distinctly different needs, and the facilities had such diverse conditions, that such a measure would not be possible (ERA, 2015, p. 180).

However, the point remains that service capacity is closely related to effective prison operations. For this review, we have therefore assessed every prison by reference to crowding and service deficiencies. Our evidence for these assessments included recent inspection reports, liaison reports by our staff and independent visitors, and reviews of incidents and other Departmental data.

This information is set out in Appendix F. The majority of problems that we found were of scale or of insufficient infrastructure or resources, not of service quality.

Crowding increases the risk of losing control

The United Nations *Handbook on strategies to reduce overcrowding in prisons* states that: 'overcrowding puts severe pressure on the proper management of prisons and on staff/prisoner relations' (United Nations Office on Drugs and Crime, 2010). Prisoners can become angry and frustrated about their conditions, and lack appropriate outlets to express their concerns or absorb their energies. Research has found that crowding is positively related to disruptive behaviour and negatively related to constructive behaviour (Lee-Jan, 1980) (Gaes, 1985) (Wener, 2012). It has also been implicated in countless reports of major disturbances. For example, Lord Wolf, inquiring into a series of disturbances following a riot and siege at Strangeways Prison in 1990 stated that:

Overcrowding is the single factor that has dominated prisoner's lives, placed intolerable pressures on staff, and diverted attention away from improving the system (Prison Reform Trust, 1991, p. 18).

This is not to say that 'cell sharing' of itself is the only issue: it is, rather, the impacts of crowding on the stability and life of the prison. Cells are generally constructed as wings, usually with shared showers, some kind of common room, and adjacent yard space. All of these areas are put under pressure from over-use. And insufficient dining facilities mean that more prisoners have to eat in cells, adding to environmental health risks.

As a result of crowding, many prisoners have limited access to work or education and therefore spend more time in their units. Crowding of common areas tends to increase stress and the possibility of negative interactions, including bullying, abuse and assaults (OICS, 2016b, p. 17).

The Smith Report into the Casuarina riot made the point as follows:

The term 'overcrowding' is actually an oxymoron, because the condition that spells mismanagement is 'crowding' – that is too many people in a facility or space. It accurately describes the condition that existed at Casuarina Prison on Christmas Day and in the days leading up to it – too many prisoners for the available facilities (Smith, 1999, p. 5.2.4.6).

Our Directed Review into the riot at Banksia Hill Detention Centre in January 2013 found that the pressures created by crowding were a significant factor, as they had been at Casuarina in 1998, and in the 1988 Fremantle Prison riot (OICS, 2013, p. 37).

We are not suggesting that a disturbance of this nature is imminent in any WA facility. These events result from a confluence of unfavourable background factors, and, as stated earlier, staff, management and prisoners have generally managed around the challenges of crowding. But the pressures are very real and the kind of crowding presently found by WA prisons has been found to increase the risk of losing control.

9 WA's prison system – managing 'day by day'

Department of Corrective Service's figures indicate an additional 502 new beds will be available by 30 June 2017 at Eastern Goldfields and Melaleuca (see table 8). However, this will still be insufficient to provide the required buffer of between 333 and 1,118 beds. It also seems insufficient for any further increase in the prison population. If the prison population grows by 10 per cent in 2016-2017, it will reach 6,966. That would leave just 59 spare beds.

Table 8:
Projected 'modified capacity' beds vs prison population

	Bed count	Prisoner numbers
At 30 June 2016	6523	6333
EGRP (net)	246	
Melaleuca	256	
At 30 June 2017	7025	6966

The distribution of the new beds is also problematic. It is likely to see the women's estate over-supplied, but there will be a severe shortage of beds at Hakea and Casuarina, with knock-on effects for other prisons.

We are also concerned at how much design capacity will actually be added to the system given the Department of Corrective Service's intention to double bunk cells at both EGRP and Melaleuca. While we were not aware of the size of cells at EGRP, those at Melaleuca are not of a sufficient size to meet the Australasian Standard Guidelines 1990 for double bunking. They only add 128 beds to design capacity but will probably hold closer to 250 women.

The Department's Services Optimisation Committee is responsible for providing cross-divisional oversight and advice on optimising departmental operations. This Committee has been active in recent months in identifying opportunities to recommission unutilised capacity, for example at Broome Prison, to retrofit additional double-bunks (ten were recently installed in Unit 2 at Bandyup), or to install additional demountable accommodation.

It is expected that the Department will increase these efforts in the current year. Commissioner McMahon foreshadowed in the 2016 budget estimates hearings that this will involve additional facilities at Karnet and Wooroloo, and a number of other 'short-term modifications' (WA Parliamentary Estimates Committee A, 2016, p. 2).

The cupboard is bare

Because of the recent growth in prisoner numbers, by June 2016, the system was barely able to manage the prison population within its bed capacity. Managers at Head Office, prison, and unit levels were required to find appropriate placements for people in custody on a daily basis when vacancies might not in fact exist. At Hakea vacancies had to be generated on a daily basis to allow them to accept new prisoners and remandees, especially when approaching the weekend. Superintendents told us, and staff in prison reception centres confirmed, that transfers between metropolitan prisons had to be undertaken on almost a daily basis by staff as the system could no longer afford to wait for the weekly contracted transport service. A new Coordination Centre in Head Office assisted with this process.

Because of the level of crowding few prisoners could be excused from double-bunking with another person, notwithstanding differences, in age, cultural background, mood, health issues, smoking status, offences, remand/sentenced status, behavioural record and so on. It is harder to reserve sections for those with earned privileges and those needing closer supervision or support. Unit staff do the best they can to match people, and prisoners do the best they can to make things work, but there is simply no slack in the system to put people in the best place according to their particular needs, classification, and preferences.

Our recent report on Hakea Prison in 2015 recommended that:

The WA Government and the Department of Corrective Services prioritise and fund the construction of a new purpose-built remand facility for the Perth metropolitan area that incorporates aspects of design that will facilitate best practice and technology in remand prisons, and meet international obligations with regard to meeting the rights of unconvicted persons in custody (OICS, 2016b, p. 8).

The Department responded that funding decisions about new facilities are for government not the Department (OICS, 2016b, p. 88). It subsequently advised, by email dated 11 August, that “the Department has a schedule of works to expand capacity in the future.”

However, the 2016 State Budget Papers show that, apart from existing projects, there is provision only for minor custodial projects in the Department’s Asset Investment Program for 2016/17. They show even less in subsequent years (see Appendix E). Certainly there is no provision in forward estimates for the new custodial facility that, in 2015, the Commissioner had said would be needed by 2018 (WA Parliamentary Estimates Committee A, 2015, p. 15).

WA is at a crossroads

The WA corrections system is at a crossroads. Despite a major effort at capacity building over two terms of the present administration, the system faces being overwhelmed by the numbers committed to remand or imprisonment. Unfortunately this is occurring at a time when the Department is unable to provide any guidance on future predicted prisoner populations. In an email to us dated 11 August the Department indicated that while it is intending to use the Department of Treasury’s Western Australian Prison Model, this model is currently still in development.

WA is not the only state running out of room to house its prisoners, with NSW recently announcing a \$3.8 billion plan to increase its capacity by 3,000 in the medium term, and by 7,000 in the longer term. It also has a commitment to fund rehabilitation programs to reduce adult reoffending by 5 per cent (McNally, 2016). It would appear that additional, major investment in WA prisons will be unavoidable in the short to medium term.

The Department’s method of reporting has hidden the extent of the problem

In our view, the Department’s reporting of capacity to the Productivity Commission’s annual Report on Government Services (ROGS) is contrary to the Productivity Commission’s reporting requirements. The result has been to hide the extent of the problem.

In an email to us on 25 August 2016 the Department wrote:

Each year the Department adjusts the previous figures supplied to the Productivity Commission by adding all new installed beds (either in new units/facilities or within existing

cells) that the Department considers meets the design capacity requirements of ROGS as well as subtracting the removal of any beds that met the design capacity.

The Productivity Commission (the Commission) defines prison utilisation as:

the annual daily average prisoner population as a percentage of the number of single occupancy cells and designated beds in shared occupancy cells provided for in the design capacity of the prisons, reported separately for open and secure prisons (Productivity Commission, 2016, p. 8.26).

The Commission specifically excludes from design capacity:

- additional bed places that have been placed in cells or units **over and above the design capacity**
- accommodation used for special purposes, i.e. disciplinary segregation; observation or crisis care; or hospital or infirmary accommodation unless it is special accommodation for the long-term accommodation for aged prisoners or prisoners with long-term illnesses
- facilities or sections of facilities that have been decommissioned
- cells out of commission for maintenance or refurbishment
(Productivity Commission, Data Quality Information, p.21) [our emphasis].

From our calculations, however, it appears that WA figures are based on something similar to ‘modified capacity’, and therefore include beds which by the Commission’s definition should be excluded.

The following graph demonstrates how the Department’s decision in 2009 to change how it calculated the figures it provided to ROGS has hidden the true extent of crowding. Specifically, WA’s reported utilisation rate fell from 138.6 per cent in 2009-10 to 103.7 per cent in 2011-12, and 100.1 per cent in 2012-13 at a time when prisons were becoming more crowded.

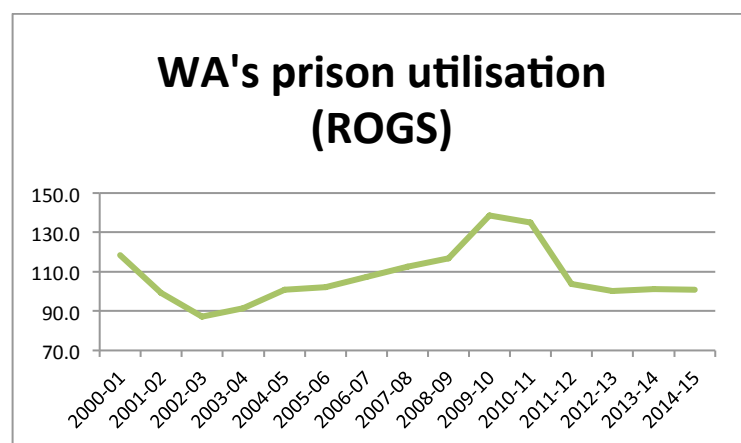


Figure 1:
WA prison utilisation rates in ROGS

Although there were a number of reasons for the fall, one was a change in how the Department calculated the figure. In September 2009, the Department dropped the definitions of ‘design capacity’ and ‘approved bed capacity’ from Policy Directive 73 (then entitled *Prisoner Accommodation Capacity*). Approved bed capacity was similar to ‘modified capacity’, in that it referred to the number of installed beds.

The new version of Policy Directive 73 referred instead to ‘standard beds’, defined as including ‘properly constructed and installed beds used for general accommodation purposes’. The term ‘standard beds’ did not include ‘special purpose’ and ‘emergency’ beds, such as temporary trundle beds. However, it counted bunk-beds in a single cell as two beds. The result of this change was to reduce the level of crowding reported, and to hide the degree of crowding the system was experiencing.

The Department may seek to argue that its reporting is compliant with National Productivity definitions, but neither we, nor the NSW Inspector believe this is the case.

In any event, as argued earlier, this should not be reduced to a definitional argument. It is not acceptable to place two people in a cell too small for even one person, according to the Australasian Standard Guidelines 1990.

These debates have an important parallel in the United Kingdom. In June 2015, the Prisons Minister for England and Wales apologised to Parliament for the government understating the extent of overcrowding. He said that the government had been wrong not to count doubled-up single cells as being overcrowded, and concluded:

‘publication of clear, reliable figures on how many prisoners we hold in crowded conditions is an important part of making sure we can be held to account ... It is unacceptable that these incorrect figures have been published over the last six years’ (Travis, 2015).

Recommendation 5: That the Department return to using ‘design capacity’, as defined in this review, for reporting purposes.

The Department of Corrective Services needs to commit to greater public accountability

The ERA examined the question of transparency in its 2015 prisons inquiry. It found that WA performed better than its counterparts in some states, but that conclusion was predicated on the Department resuming timely publication of prisoner population and capacity statistics (ERA, 2015, p. 230).

The Department has since resumed the release of prisoner population statistics, but it is taking between four and six months for basic monthly counts data to be released. Unfortunately it only releases capacity figures via the Productivity Commission’s ROGS data, which takes a minimum of six months to prepare.

WA Police maintain large amounts of data for the public (Taylor, 2016). By comparison, there is relatively little corrections data in the public domain.

Greater transparency is required in how the Department goes about its work, including improvements to the range, depth and timeliness of the statistics it produces.

Recommendation 6: That the Department commit to being open and accountable through full disclosure of procedures for modelling population projections and custodial infrastructure planning, and publication of its custodial infrastructure plan and contingencies.

Appendix A: Table of Abbreviations

CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Council of Europe
DCS	Department of Corrective Services, WA
ERA	Economic Regulation Authority of WA
EGRP	Eastern Goldfields Regional Prison
ICRC	International Committee of the Red Cross
NSW	New South Wales
NTS	Not-to-Share – an Alert for an individual ‘offender’ on the TOMS system of DCS
OMCG	Outlaw Motor Cycle Gang
ROGS	Report on Government Services
TOMS	Total Offender Management System – the ‘offender’ database operated by DCS
WA	Western Australia
WKRП	West Kimberley Regional Prison which also administered Broome Annexe and Wyndham Work Camp. In October 2016, Broome Annexe reverted to Broome Prison.

Appendix B: Methodology

We gave the Commissioner of Corrective Services Notice of a review on Capacity of Prisons in Western Australia on 7 April 2016. A subsequent request for information was made, including the Department's own record of cells and cell sizes. Population and capacity information was downloaded at various points from TOMS, the Department's offender database. Count information used in table 1 was downloaded from the Department of Corrective Services TOMS offender database for 7:00 am on 30 June 2015 and 30 June 2016.

As part of our normal process of ongoing liaison/monitoring, we visited all prison facilities in May and June. During these visits, we took sample area measurements of residential cells and rooms, and consulted on capacity issues.

Beds, ablutions and cell furniture were included in cell area measurements, but corner intrusions usually enclosing plumbing and electrical services were not. The Department's own measurements assisted in clarifying which cells were similar to others.

The modified capacity of cells was determined from TOMS downloads and the list supplied by the Department of Corrective Services in its document requests, later updated by us to include additional beds installed in the period prior to 30 June 2016. Assumptions were initially made about the design capacity of each cell based on its size and historical knowledge within this Office, and verified during site visits with local staff and by inspection of the cells.

Of the work camps, room sizes were measured only at Roebourne Town Work Camp. However, the same design applies at all camps except Walpole for which sizes supplied by the Department were used.

In determining how many prisoners could be accommodated in existing facilities in compliance with the *Standard Guidelines for Prison Facilities in Australia and New Zealand 1990* for cell sizes dry cells (i.e. without sanitation) less than 7.5 m² in area were discounted, as were wet cells (i.e. including sanitation) less than 8.75 m². Beds in multiple-occupancy cells were only counted insofar as Standard Guidelines allowed, so for example, if two beds were installed in a 9.0 m² wet cell, only one was counted.

In rare cases there are cells, generally disabled cells, typically about 14 m² in size capable of holding two people in compliance with the Australasian Standard Guidelines. If its total capacity was one, as it should be for a disabled person, then it was counted as one. Where the cell had been converted for dual occupancy, it counted as two.

We also examined recent reports of inspections, liaison visits and independent visitor reports, as well as a continual review of incidents and other data from Department of Corrective Service's systems. This information was used to inform the development of the Prison by prison issues affected by crowding in Appendix F.

Appendix C: Definitions of capacity

A bewildering array of definitions of prison capacity have been used in Australia and internationally. These have included: design capacity (various), rated capacity (US & Canada), certified normal accommodation (UK), approved bed capacity (WA to 2009), operational capacity (WA & others), current supported capacity (Victoria) and density (in research).

This report uses the following definitions:

Design capacity means the number of prisoners a facility was designed to house, whether in single cells, or in appropriately designed multiple-occupancy cells. Design capacity includes accommodation that existed when the prison was first commissioned and any new accommodation units. Design capacity does not include beds or bunks that have been:

- retrofitted into existing accommodation, or
- installed in new accommodation cells that were designed for single occupation.

This last caveat is consistent with the approach taken by the ERA its recent report of its prisons inquiry (ERA, 2015, p. 179).

Modified capacity is the number of prisoners a facility can accommodate following installation of additional beds in existing accommodation units, usually through installation of one or more additional beds in a cell or room. Free-standing beds or bunk-beds may be included as part of modified capacity, but informal beds such as mattresses or trundle beds are not. A system of recording the installation, modification and removal of custodial beds is maintained by the Department of Corrective Services under Policy Directive 73 which the Department says is in accordance with reporting requirements of the Productivity Commission's ROGS.

Special capacity is the number of beds, or mattress plinths in cells designed to manage prisoners on a strictly temporary basis, whether for some hours or some days. This includes cells designated or used as punishment cells, multipurpose cells or management cells, along with observation, crisis care, medical observation, safe cells, and recovery beds occupied only as needed to ensure that person's wellbeing and safety. Not included in capacity are holding cells such as those in reception, visits, video link or day beds in health centres never intended for occupation overnight.

Total capacity is the Department's measure of total modified and special capacity for each facility in WA prisons. As noted by the ERA it is not an appropriate representation of capacity as it includes special purpose accommodation, does not consider the prison's service capacity, and includes double-bunking.

Operational capacity is the Department of Corrective Service's determination at any one time of the number of prisoners that can be accommodated safely in a facility, taking into account availability of beds, staffing, health and rehabilitation services, and supporting infrastructure.

Compliant capacity in this review is defined as the number of prisoners that could be decently accommodated in that facility in cells and occupancy levels that comply with *Australian Prison Design Guidelines 1990* to which the Department has subscribed.

Appendix D: Summary of standards and guidelines for cell sizes (m²)

Guidelines for Prison Facilities in Australia and New Zealand 1990

	1	2	3	4	5	6	7	8
Dry	7.5	11.5	15.5	19.5	23.5	27.5	31.5	35.5
Wet	8.75	12.75	18	22	26	30	34	38

Source: (Corrections Victoria, 1990)

American Correctional Association Standards

	1	2	3	4	5	6
Unencumbered space	6.503	6.504	9.756	13.008	16.26	19.512
+ <i>bed/s</i>	1.6	1.6	3.2	3.2	4.8	4.8
+ <i>ablutions</i>	1.25	2.5	2.5	2.5	2.5	2.5
Total	9.353	10.604	15.456	18.708	23.56	26.812

Note: converted from square feet to metres. Beds and ablutions added for comparison.

Source: (American Correctional Association, 2010)

International Committee of the Red Cross

If single beds used	1	2	3	4	5	6	7	8
Dry	5.4	6.8	10.2	13.6	17	20.4	23.8	27.2
Wet	6.6	6.8	10.2	13.6	17	20.4	23.8	27.2

If double-bunks used	2	3	4	5	6	7	8	
Dry	N/a	6.8	8.6	10.4	13.8	15.6	19	20.8
Wet	N/a	6.8	8.6	10.4	13.8	15.6	19	20.8

Note: there is ambiguity on requisite size for two people, whether twice times the single size, that is 10.4 m², minus 1.6 if double-bunks are used, or twice the multiple-occupancy multiplier, that is 6.8 m² as shown here. Sources: (ICRC, 2013) (ICRC, 2012)

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Minimum standards	1	2	3	4	5	6
Living space	6	8	12	16	20	24
+ ablutions	1.25	2.5	2.5	2.5	2.5	2.5
Total	7.25	10.5	14.5	18.5	22.5	26.5

Desirable stds. (2015)	1	2	3	4	5	6
Living space	6	10	14	18	22	26
+ ablutions	1.25	2.5	2.5	2.5	2.5	2.5
Total	7.25	12.5	16.5	20.5	24.5	28.5

Note: the CPT promotes its desirable standards for European states.

Source: (CPT, 2015)

Additional factors to be considered

The ICRC emphasises that in assessing occupancy rates and overpopulation, the actual space available for each detainee must be analysed together with other parameters such as:

- the specific individual needs of, for example, sick, old or young prisoners, women and/or people with disabilities
- the physical condition of the buildings
- the amount of time spent in the accommodation area
- the frequency and extent of opportunities to take physical exercise, work and be involved in other activities outside the accommodation area
- the number of people in the accommodation area (to allow a degree of privacy and avoid isolation)
- the amount of natural light and the adequacy of the ventilation
- other activities being undertaken in the accommodation area (e.g. cooking, washing, drying)
- other services available (e.g. toilets and showers)
- the extent of supervision provided.
(ICRC, 2012)

Appendix E: Extract from State Budget Papers 2016 ¹

Corrective Services - continued

Asset Investment Program

Expansion of prison capacity and infrastructure optimisation are important elements of the Department's Asset Investment Program including:

- the construction of the new Women's Remand and Reintegration Facility, which is in progress, with completion expected in late 2016;
- the ongoing maintenance and infrastructure upgrade program across all of the Department's owned and leased facilities; and
- the continuation of the Cell Upgrade and Ligature Minimisation Program across the prison estate.

	Estimated Total Cost \$'000	Estimated Expenditure to 30-6-16 \$'000	2015-16 Estimated Expenditure \$'000	2016-17 Budget Estimate \$'000	2017-18 Forward Estimate \$'000	2018-19 Forward Estimate \$'000	2019-20 Forward Estimate \$'000
WORKS IN PROGRESS							
Adult Custodial							
Building Infrastructure and Maintenance.....	31,769	21,369	4,993	2,476	2,548	2,619	2,757
Custodial Infrastructure Program - Administered Equity.....	132,052	121,669	4,814	10,383	-	-	-
Female Prisons - Women's Remand and Reintegration Facility							
West Kimberley Regional Prison	24,300	15,570	13,330	8,730	-	-	-
Community and Youth Justice							
Building and Infrastructure and Maintenance.....	3,233	1,666	180	563	323	332	349
Office Accommodation North West Metro (Mirrabooka)....	958	20	20	20	918	-	-
Corporate							
Physical Infrastructure							
Asset Replacement	3,268	1,132	499	503	525	540	568
Office Equipment Replacement.....	3,780	3,558	52	53	55	57	57
System Management							
Information and Communications Technology							
Infrastructure Upgrade	27,092	18,577	2,041	2,027	2,087	2,144	2,257
Prison Services							
Additional Prisoner Accommodation - Infrastructure and Systems Upgrade and Replacement Programs	72,949	60,071	661	3,067	3,154	3,243	3,414
Cell Upgrade and Ligature Minimisation Program.....	2,991	104	104	1,079	927	881	-
COMPLETED WORKS							
Adult Custodial							
Community Safety Network	497	497	497	-	-	-	-
Perimeter Obsolescence	16,500	16,500	471	-	-	-	-
Work Camp - Wyndham	8,302	8,302	200	-	-	-	-
Community and Youth Justice							
Office Establishment and Refurbishment							
2015-16 Program.....	1,766	1,766	1,766	-	-	-	-
GPS Offender Tracking of Dangerous Sex Offenders	446	446	49	-	-	-	-
Corporate							
Decommissioning of Shared Corporate Services.....	2,960	2,960	2,960	-	-	-	-
System Management							
Information Technology Systems - Life Extension and Upgrades	5,850	5,850	1,407	-	-	-	-
Prison Services							
Prison Industries - Mobile Plant - 2015-16 Program.....	1,237	1,237	1,237	-	-	-	-
NEW WORKS							
Community and Youth Justice							
Office Establishment and Refurbishment							
2016-17 Program.....	751	-	-	751	-	-	-
2017-18 Program.....	772	-	-	-	772	-	-
2018-19 Program.....	792	-	-	-	-	792	-
2019-20 Program.....	834	-	-	-	-	-	834
Prison Services - Prison Industries - Mobile Plant							
2016-17 Program	623	-	-	623	-	-	-
2017-18 Program	651	-	-	-	651	-	-
2018-19 Program	663	-	-	-	-	663	-
2019-20 Program	698	-	-	-	-	-	698
Total Cost of Asset Investment Program.....	467,517	401,307	35,311	32,045	11,960	11,271	10,934
FUNDED BY							
Capital Appropriation			22,157	10,040	2,550	1,602	892
Drawdowns from the Holding Account.....			9,216	9,602	9,410	9,669	10,042
Administered Equity Appropriation			-	10,383	-	-	-
Internal Funds and Balances.....			3,938	2,020	-	-	-
Total Funding			35,311	32,045	11,960	11,271	10,934

640

¹ (Government of Western Australia, 2016, p. 640)

Appendix F: Prison by prison summaries of crowding issues

Acacia Prison

Purposes:

- Medium-security prison for sentenced male prisoners operated by Serco.

Capacity Information & crowding measures

Design standard capacity	1,051
Modified standard capacity	1,475
Special beds	38
Total capacity	1,513
Compliant standard beds	536
Count: 30 June 2016	1,468
Increase over 12 months	5.5%
Unused modified capacity	7
Utilisation of modified capacity	99.5%
Utilisation of design capacity	139.7%
Compliant beds over 2016 count	36.5%

Key overcrowding issues:

- In 2014, as part of a major expansion, an effort was made to strengthen service infrastructure that was under pressure from an earlier population increase. This included additional facilities for education, programs, industry, vocational training, re-entry, recreation and new precincts for protection prisoners and young men. Gas services and waste water treatment were also upgraded.
- Acacia is still crowded in many units through double-bunking.
- Access to the oval and gymnasium has been further restricted since the expansion, especially for protection prisoners, although efforts are being made to install more unit based activities.
- Dental and mental health services proved insufficient for the population.
- The detention unit was not expanded, affecting punishment and other regimes.
- Some other services are insufficiently resourced for the population, including the Aboriginal Visitors Scheme and Outcare (which has the re-entry contract).

Albany Prison

Purposes:

- Male regional prison – men received from court on remand or following a sentence. May be held, returned to court, assessed, serve a sentence and released locally.
- Male maximum-security prison – a dispersal option for prisoners transferred from other facilities due to management reasons and for persons lacking regular visitors.
- Female reception facility - women received from court on remand or following a sentence but held only very briefly on remand, for a trial, or for transfer to Bandyup Prison in Perth.

Capacity Information & crowding measures

Design standard capacity	244
Modified standard capacity	489
Special beds	21
Total capacity	510
Compliant standard beds	67
Count: 30 June 2016	418
Increase over 12 months	53.1%
Unused modified capacity	71
Utilisation of modified capacity	85.5%
Utilisation of design capacity	171.3%
Compliant beds over 2016 count	16.0%

Key overcrowding issues:

- Other than Pardelup, Albany has the highest level of displaced prisoners in the state. On 13 May 2016 this included 197 prisoners from Perth metro and surrounding areas and 78 from remote regional areas of the state, primarily Aboriginal people.
- Only Unit 4 has cells compliant with Australasian Standard Guidelines 1990 for single bed accommodation. The cells in the other three units are not compliant with the Standard Guidelines for single bed accommodation. However, all four units are fully double-bunked with none, therefore, compliant. The single women's cell has three beds installed and is compliant with Standard Guidelines.
- There has been no growth in Vocational Support Officer positions since numbers have escalated, and prisoner employment has been stagnant for many years.
- Conflict between OMCG affiliates, feuding family members and others has caused recreation access to be restricted to just three hours per week per unit, each unit recreating separately. The traditional winter football competition has been abandoned.
- There has been unprecedented demand for video-linked courts and official interviews, and for Skype visits with family and children of displaced prisoners. However, the video link service is inadequate and the quality of the Skype service poor.

Bandyup Prison

Purposes:

- The state's main maximum/medium-security facility for holding women on remand or serving a sentence.
- A dispersal prison for women transferred from other facilities due to management reasons or to access metropolitan health services.

Capacity Information & crowding measures

Design standard capacity	209
Modified standard capacity	385
Special beds	18
Total capacity	403
Compliant standard beds	70
Count: 30 June 2016	399
Increase over 12 months	20.2%
Unused modified capacity	-14
Utilisation of modified capacity	103.6%
Utilisation of design capacity	190.9%
Compliant beds over 2016 count	17.5%

Key overcrowding issues:

- Bandyup is grossly crowded and most women have to share with someone else, including in Unit 1 where cells are not compliant even for single person occupation. Mattresses placed on floors adjacent to cell toilets had been used extensively in the past and at 30 June 2016 this practice had just returned.
- Women complained about a lack of privacy, insufficient showers and feelings of a lack of safety. They experienced bullying, standovers, and assaults from others in accommodation and common areas.
- The family and social visits centre has never been expanded as extra beds and units have been added over the years and is grossly inadequate. Nor has video or e-visits been appropriately developed at Bandyup. Reception, crisis care, management unit, and health centre are also stretched.
- The 2015 inspection found that health services were inadequately resourced and needs were not being met, including in mental health and counselling. There was also an obvious risk of infection due to the degree of crowding in the prison.
- Availability of education and training had also diminished as population rose and re-entry services were also stretched.

NOTE: The Melaleuca Women's Remand and Reintegration Facility created from the former Units 11 and 12 at Hakea Prison was due to commence operations in December 2016. It will replace Bandyup as the main reception prison for women. The future role of Bandyup is not yet clear. Melaleuca will be operated by Sodexo.

Boronia Pre-release Centre

Purposes:

- Rehabilitation and community resettlement for women in custody rated as minimum-security.
- Strengthening of parenting and families through accommodation of children up to four years of age with their mothers, and with sleepovers for older children.

Capacity Information & crowding measures

Design standard capacity	71
Modified standard capacity	95
Special beds	
Total capacity	95
Compliant standard beds	71
Count: 30 June 2016	89
Increase over 12 months	1.1%
Unused modified capacity	6
Utilisation of modified capacity	93.7%
Utilisation of design capacity	125.4%
Compliant beds over 2016 count	79.8%

Key overcrowding issues:

- Room sharing has reduced the opportunity for mothers to have sleepovers which compromises family relationship contrary to the centre's objectives.
- Access to meaningful work is reduced and visits are often full.
- The health service is compromised by the level of need at Bandyup.

Bunbury Prison

Purposes:

- Bunbury is the receival prison for the South-West with a focus on rehabilitation programs, work experience, training and education.
- It contributes to the food supply for WA prisoners through its market garden and vegetable preparation industry.
- It has an adjacent pre-release unit which focuses on release preparation.

Capacity Information & crowding measures

Design standard capacity	223
Modified standard capacity	340
Special beds	6
Total capacity	346
Compliant standard beds	72
Count: 30 June 2016	332
Increase over 12 months	12.2%
Unused modified capacity	8
Utilisation of modified capacity	97.6%
Utilisation of design capacity	148.9%
Compliant beds over 2016 count	21.7%

Key overcrowding issues:

- Bunbury is grossly crowded with units into which newcomers are placed having especially small cells and poor conditions.
- Risk to prisoner safety from assaults and sexual assaults due to overcrowding and cell sharing is heightened by the fact that sex offenders are not segregated.
- Reduced access generally to employment, training, education, programs and re-entry services.

Casuarina Prison

Purposes:

- Casuarina was established as the state's maximum-security facility for sentenced prisoners. As a state facility it also provides an infirmary, the special handling unit, protection, special protection and additional management unit capacity. It was also intended to be an industrial prison able to provide meaningful work, education and training, and as the base for intensive offender programs.

Capacity Information & crowding measures

Design standard capacity	496
Modified standard capacity	995
Special beds	38
Total capacity	1,033
Compliant standard beds	216
Count: 30 June 2016	943
Increase over 12 months	20.1%
Unused modified capacity	52
Utilisation of modified capacity	94.8%
Utilisation of design capacity	190.1%
Compliant beds over 2016 count	22.9%

Key overcrowding issues:

- Burgeoning remand numbers in the system are such that Casuarina has at times accommodated more remandees than sentenced prisoners. Visits and video link are both inadequate for such remand numbers.
- Showers and common areas are crowded as most wings are double-bunked. Loss of privacy, lack of amenity, and safety issues in unit for prisoners. The kitchen is struggling to produce food for the numbers accommodated.
- Overcrowding also severely restrains the flexibility needed for the facility to safely and equitably manage different prisoner cohorts and to respond to their particular needs and behaviours.
- Unemployment and underemployment has increased markedly with more prisoners having to be managed in units during the day. Education and training is good, but also limited in reach.
- Program provision is also good, but inability by some to complete required offender programs affects their ability to progress to lower security setting and reduces their prospects for parole, which in turn inflates the need for custodial accommodation.

Eastern Goldfields Regional Prison

Purposes:

- Eastern Goldfields Regional Prison at Boulder is the receival facility for men and women sentenced, remanded, or returned to prison in the Goldfields region.
- Rated as a minimum-security facility, it is only meant to hold people rated more highly for a short period before being transferred out.
- EGRP administers the Warburton Work Camp, currently disused.

Capacity Information & crowding measures

Design standard capacity	89
Modified standard capacity	104
Special beds	7
Total capacity	111
Compliant standard beds	63
Count: 30 June 2016	104
Increase over 12 months	30.0%
Unused modified capacity	0
Utilisation of modified capacity	100.0%
Utilisation of design capacity	116.9%
Compliant beds over 2016 count	60.6%

Key overcrowding issues:

- EGRP has been chronically overcrowded for some years. Its maximum-security unit has often been grossly overcrowded with people sleeping on floor mattresses in multipurpose cells or in already crowded cells. Women have also often had to sleep on trundle beds and mattresses.
- The effects of crowding were been exacerbated by lunchtime lockdowns every day and the lack of access to meaningful work and outdoor recreation.
- Despite good core staffing, the health facility is poor, and there is inadequate access to specialist, mental health, counselling and dental care for the prisoner population.
- Lack of culturally appropriate programs for this population reduces access to parole and fails to reduce reoffending by those released. This in turn inflates the need for custodial accommodation.

NOTE: The issues noted were accurate as at 30 June 2016. However, a new 350 bed facility commenced operation on 8 August 2016.

Greenough Regional Prison

Purposes:

- Roebourne Regional Prison is the receival facility for men and women sentenced, remanded or returned to prison in the Mid-West region.
- As a medium-security facility, it can only hold people rated as maximum for a short period before being transferred out. It has an adjacent minimum-security unit.
- A women's precinct was developed at Greenough to reduce crowding at Bandyup Prison in Perth.

Capacity Information & crowding measures

Design standard capacity	223
Modified standard capacity	333
Special beds	13
Total capacity	346
Compliant standard beds	102
Count: 30 June 2016	323
Increase over 12 months	17.5%
Unused modified capacity	10
Utilisation of modified capacity	97.0%
Utilisation of design capacity	144.8%
Compliant beds over 2016 count	31.6%

Key overcrowding issues:

- The crowding, conditions, and degree of confinement in the maxi yard at Greenough are quite concerning.
- A high proportion of men and women at Greenough come from other regions and feel disconnected from their own families and cultural environments.
- The visits facility is under pressure from high numbers.
- Too many prisoners are unemployed or underemployed.

Hakea Prison

Purposes:

- Hakea is the receipt prison for male persons remanded in custody by a court and those who have just been sentenced.
- The Hakea assessments centre has responsibility to assess newly sentenced male prisoners, whether held at Hakea, or other metropolitan facilities.
- Hakea also holds some sentenced prisoners for dispersal reasons.

Capacity Information & crowding measures

Design standard capacity	624
Modified standard capacity	955
Special beds	27
Total capacity	982
Compliant standard beds	78
Count: 30 June 2016	962
Increase over 12 months	8.2%
Unused modified capacity	-7
Utilisation of modified capacity	100.7%
Utilisation of design capacity	154.2%
Compliant beds over 2016 count	8.1%

Key overcrowding issues:

- Significant risks to prisoner safety from assaults and sexual assaults due to overcrowding and cell sharing.
- Crowded conditions causing poor air quality, mould, damage to surfaces in wet areas, some food preparation issues, and a failure to prevent smokers sharing cells with non-smokers.
- Video link facility are well outside its working capacity.
- Holding cells are unsafely crowded.
- Limited access to employment, and extremely poor access to education or training.
- Access to recreation and education severely limited for protection prisoners.
- There is insufficient access to health, dental, mental health services and counselling services. On site access to the Aboriginal Visitors Scheme has also been cut.

Karnet Prison Farm

Purposes:

- Karnet is regarded as a metropolitan minimum-security prison for males with a strong focus on rehabilitation and release preparation.
- A working prison farm, it contributes to food production for Western Australian prison system.

Capacity Information & crowding measures

Design standard capacity	218
Modified standard capacity	326
Special beds	2
Total capacity	328
Compliant standard beds	120
Count: 30 June 2016	323
Increase over 12 months	2.2%
Unused modified capacity	3
Utilisation of modified capacity	99.1%
Utilisation of design capacity	148.2%
Compliant beds over 2016 count	37.2%

Key overcrowding issues:

- Accommodation at Karnet is quite crowded with prisoners having to share quite small rooms, especially in Unit 2, and substandard common areas in units other than self-care.
- Its general level of service provision, including in health, recreation, education and training, programs, and meaningful employment is quite strong compared to most other facilities.
- Some prisoners are unable to complete required offender programs reducing their prospects for parole, which in turn inflates the need for custodial accommodation.
- Inadequate mental health and dental service provision.

Pardelup Prison Farm

Purposes:

- Pardelup is a minimum-security prison for males with a strong focus on rehabilitation and release preparation.
- It makes a key contribution to food production for Western Australian prison system.
- It also administers the Walpole work camp which has a strong focus on community work and release preparation.

Capacity Information & crowding measures

Design standard capacity	96
Modified standard capacity	96
Special beds	1
Total capacity	97
Compliant standard beds	12
Count: 30 June 2016	78
Increase over 12 months	-2.5%
Unused modified capacity	18
Utilisation of modified capacity	81.3%
Utilisation of design capacity	81.3%
Compliant beds over 2016 count	15.4%

Key overcrowding issues:

- All prisoners at Pardelup are accommodated in single rooms, but these are small and do not meet Australasian Standard Guidelines. However, common areas and other amenities are generally of a high standard.
- Prisoners are afforded excellent work opportunities and a good level of training and education. Most other service areas are adequate, although there is no program provision. Many also have to do without family visits due to location of Pardelup and Walpole.

Roebourne Regional Prison

Purposes:

- Roebourne Regional Prison is the receival facility for men and women sentenced, remanded, or returned to prison in the Pilbara region.
- As a medium-security facility, it can only hold people rated as maximum for a short period before being transferred out.
- It has an adjacent town work camp which has a strong focus on community work and release preparation.

Capacity Information & crowding measures

Design standard capacity	144
Modified standard capacity	198
Special beds	6
Total capacity	204
Compliant standard beds	103
Count: 30 June 2016	173
Increase over 12 months	4.2%
Unused modified capacity	25
Utilisation of modified capacity	87.4%
Utilisation of design capacity	120.1%
Compliant beds over 2016 count	59.5%

Key overcrowding issues:

- Crowding through double-bunking exacerbated by frequent use of floor mattresses.
- Prisoner health in crowded cells is jeopardised by a lack of air-conditioning in a very hot climate.
- Inadequate access to meaningful work.
- Prisoners felt unsafe in crowded conditions due to limited staff engagement.
- Facilities for visits, health, industries and recreation inadequate for the population and climate.
- There were also insufficient services for the population in dental, programs and Indigenous support (PSO and AVS).

Wandoo Reintegration Facility

Purposes:

- Rehabilitation and community resettlement for young men aged 18-28 rated as minimum-security. Operated by Serco.

Capacity Information & crowding measures

Design standard capacity	57
Modified standard capacity	77
Special beds	3
Total capacity	80
Compliant standard beds	7
Count: 30 June 2016	75
Increase over 12 months	8.7%
Unused modified capacity	2
Utilisation of modified capacity	97.4%
Utilisation of design capacity	131.6%
Compliant beds over 2016 count	9.3%

Key overcrowding issues:

- Rooms are small, built for children, and do not meet Australasian Standard Guidelines, but other amenities and services are generally of a very high standard.
- Residents were restricted from accessing amenities and activities outside each unit after dark, which potentially created risks in crowded units and undermined the trust and self-responsibility required for the process of rehabilitation in a minimum-security setting.

West Kimberley Regional Prison

Purposes:

- West Kimberley Regional Prison at Derby is the regional facility for men and women for the Kimberley Region. It was specially designed to embrace the culture of Aboriginal peoples.
- The former Broome Prison is an annexe of WKRP and acts a receival facility for WKRP, a short-term holding facility for people on remand, and a reintegration facility for minimum-security prisoners.
- Wyndham Work Camp is administered by WKRP and has a focus on community work and release preparation.

Capacity Information & crowding measures

Design standard capacity	217
Modified standard capacity	291
Special beds	10
Total capacity	301
Compliant standard beds	182
Count: 30 June 2016	270
Increase over 12 months	26.2%
Unused modified capacity	21
Utilisation of modified capacity	92.8%
Utilisation of design capacity	124.4%
Compliant beds over 2016 count	67.4%

Key overcrowding issues:

- Houses operating significantly over design capacity with up to 40 on mattresses. People were being placed in houses without completing the essential healthy eating, health living orientation program.
- Increasing prisoner unemployment, lockdowns due to staff shortages, and crowding has led to higher incident rates and prisoner safety concerns.
- Contracted transport service, especially for medical escorts and funerals inadequate for the population.
- Maxi section at Broome Annex too crowded with poor amenities, and poor access to recreation, little work or other activities. Others at Broome lack any education, training or programs.

NOTE: The above facts were correct at 30 June 2016, but in September 2016, Broome Annexe regained status as a separate prison with its own Superintendent.

Wooroloo Prison Farm

Purposes:

- Wooroloo is regarded as metropolitan minimum-security for men with a focus on rehabilitation and release preparation.
- As a prison farm, Wooroloo has a role in food product for the prison system, but very few prisoners are engaged in this.
- Wooroloo also administers a 20 bed work camp at Dowerin.

Capacity Information & crowding measures

Design standard capacity	317
Modified standard capacity	382
Special beds	3
Total capacity	385
Compliant standard beds	349
Count: 30 June 2016	376
Increase over 12 months	24.5%
Unused modified capacity	6
Utilisation of modified capacity	98.4%
Utilisation of design capacity	118.6%
Compliant beds over 2016 count	92.8%

Key overcrowding issues:

- The Wooroloo site is not crowded in that additional beds have only been added to rooms that comply with the standard for shared occupation. Rooms not compliant with the Australasian Standard Guidelines are those at the work camp, which is otherwise an excellent facility.
- Insufficient meaningful work and training for the population within the fence, compounded by a conservative approach to risk assessments for those seeking to work on the farm or in industries, which are outside the fence.
- Service provision in education and programs was quite strong compared to most other facilities, but more prisoners would benefit if better resourced. However, inability by some prisoners to complete required offender programs reduces their prospects for parole, which in turn inflates the need for custodial accommodation.
- Health service provision is impacted by inadequate provision for medical escorts.

Appendix G: Department of Corrective Services response to recommendations

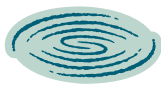
As discussed in the Overview above, the Department did not provide a response by the due date, nor before this report was committed for publication.

If a late response is forthcoming we may publish this on our website at www.oics.wa.gov.au alongside the electronic version of this report.

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