

Inspector's Overview

SOME POSITIVE CHANGES AT THE PRISON BUT A VACUUM IN PLANNING FOR THE PILBARA

We have always found Roebourne Regional Prison to be a complex and challenging place to inspect. Situated in a remote regional environment with a predominantly traditional Aboriginal prisoner group, issues such as staffing, infrastructure and service delivery needs have never been easy for us to assess and address.

We appreciate it has similarly been a complex and challenging prison for the Department to operate.

While recognising this, we have often harboured concerns that this challenging operating environment has sometimes meant that our findings and recommendations are put into the 'too hard' basket. The difficulty of achieving sustained change can be used as an excuse for inertia.

This time, at the operational prison level, we have seen positive change in a number of service areas. A fairly new substantive management team had been put in place since the last inspection and were energetic and enthusiastic in taking on Roebourne's challenges. The prison has had a history of poor staff morale, and while the picture remained somewhat mixed, this inspection showed a significant improvement. Staff seemed largely positive about the new direction and recently developed Strategic Business Plan, which looked to be a good footing for further operational improvement. This is a credit to the new management and staff group.

Unfortunately, though, most of the infrastructure remains poor. And the Department provided no evidence of central planning for the future of custodial services in the Pilbara.

IMPROVEMENTS SINCE 2013

Holding women close to home

Having been downsized to a short term holding facility at the time of the 2013 inspection, we were very pleased that Roebourne had gone back to accommodating women prisoners. Despite long held concerns about a level of marginalisation and service accessibility, it has always been far preferable that women from the local area (predominantly Aboriginal women) be held close to home and in-country. The effectual closing of the women's section in 2013 had caused great anguish for the women. It also further marginalised the few women occasionally accommodated for short term remand.

The section was re-opened in the middle of 2014 and at the time of this inspection 12 women were being accommodated there. In line with our recommendation from the 2013 report, a very effective Women's Support Officer had also been engaged to provide support and ongoing services for the women prisoners. This position was not permanent, however, and it is essential that it becomes so. Also encouraging was the cautious and appropriate introduction of mixed education and recreational services. It vastly improved services for women. Strong leadership from management on this should be highly commended. Appointing someone in the leadership team to advocate specifically for the women would be a very positive step in addressing the need for a strong voice for the small and historically marginalised prisoner group.

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Education Services

We saw a marked improvement in the education services on offer during the inspection. Credit should be given to the education centre team for their hard work. Similarly, steps have been taken to introduce a richer program of vocational training options at Roebourne, an area that previously has not been strong. The appointment of several new and experienced vocational support officers have greatly assisted this progress.

At the time of the last inspection education participation rates had fallen to a disappointing nine per cent of the prisoner population. Cuts to the education budget across all prisons and a high level of staff instability was also found to have had a severe impact. Things were found to be much improved on this inspection. Gains in training had been made by the prison supporting staff to obtain their Certificate IV qualifications which would allow them to train prisoners. At the time of the inspection a wider range of short training courses were also on offer in a number of practical areas.

PILBARA STRATEGIC VACUUM: NO PLAN, NO DIRECTION

As Western Australia's prisoner population has continued to rapidly grow, the need to create more 'beds' in which to place prisoners has been a dominant consideration for the Department of Corrective Services. That pressure, combined with the mission to restructure and rebuild the Department in Perth over the past three years, seems to have left proactive long term planning for some aspects of corrections on the backburner.

This is particularly evident for Roebourne and the Pilbara. Despite the obvious need for more appropriate prisoner accommodation, and the value for money imperative that it be strategically targeted at the prisoner groups with the highest need, our inquiries about long term planning have gone mostly unanswered. It is an ongoing unanswered question and one that the Department has failed to address over the 14 years since we first raised it. Back then, the then Government had recommended the closure of Roebourne altogether partly due to its poor infrastructure, but little has been done to improve those circumstances since then (OICS, 2003, p. 5).

Roebourne Regional Prison was constructed in 1984 to meet the needs of a region that had been rapidly growing since the growth of the mining industry in the 1960s. The anticipated continued growth of the area immediately around Roebourne did not eventuate, and instead Karratha, Port Hedland and South Hedland became the main regional population hubs. This has left a major government asset and essential service located in what is arguably the wrong place for way too long. Our analysis of the Roebourne prison population supports that most prisoners come from around Port Hedland and areas further inland.

Given the rapid expansion of the state-wide prison population and the now permanently established communities of the Pilbara, the continued presence of a prison in the region is essential. As was stated by the then Inspector in 2003:

As long as we continue to imprison people, the Pilbara must have a prison. This is for equity reasons, in the sense that its predominant Aboriginal population should be

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able to serve their sentences somewhere within reach of their own lands and people; for socio-economic reasons, in that the process of pulling resources and services out of regional Western Australia threatens the viability of these areas; and for cost reasons, in that the cost of moving prisoners from their point of arrest to or from either Greenough or Broome and between those two prisons would far exceed the supposed savings in closing down a prison.

Where a Pilbara prison is located and the services that it needs to deliver, however, requires thorough and proper analysis, discussion and resourcing. Fourteen years of inaction is unacceptable. It would seem logical that the first step is to develop a vision and long term plan for custodial services in the Pilbara.

Roebourne's upkeep and expansion has been undertaken largely in a reactionary piecemeal way with transportables and sea containers. The exception is the new external work camp, which was funded through the Royalties for Regions program and not Department planning.

While some overdue work had been done to try and improve living conditions through some painting and flooring of cells, this inspection found that '[I]t is aged, it is ailing, and significant expenditure is required to upgrade, expand and improve the infrastructure if the Department wishes to prolong the prison's lifespan.' It also found that infrastructure for service provision is woefully inadequate and that '[U]pgrading, refurbishing and constructing these basics alone would be expensive, even before consideration is given to the residential units the prisoners live in.'

It seems to me that there is a simple economic question here and that is: 'Do we continue to spend money on Roebourne prison not knowing the long term future of the site, or do we need to have a long term plan and strategy?' Regardless of how this question is answered, there needs to be certainty and clarity around this so expenditure represents best value for taxpayers.

All of these factors led to the key strategic recommendation in this report that a high level strategic plan for the correctional needs of the Pilbara region is urgent and long overdue. This was first recommended by us in 2004 (OICS, 2004, recommendation 22). The Department accepted this view back then, and incorporated the recognised need for new facilities into its Strategic Assets Plan 2007-2008. Since this time there has been no evidence presented to us of any further progress or work done to examine what is needed and where. Likewise there is no argument or facts put forward to suggest that this issue is no longer relevant.

Despite supporting Recommendation 2 made in this report, the Department has committed to no action whatsoever. It has failed to provide any information about where it sees such strategic planning in its priorities, and what if any action has been taken to assess the needs of the Pilbara and its communities. It fails to acknowledge or address any of the challenges and issues identified in the report. This suggests that the situation is unlikely to change anytime soon. That is not good enough.

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The Work Camp

The \$14 million Roebourne Work Camp located outside the main fence of the secure prison commenced operations in May 2014. Built to provide reintegrative work and living opportunities to up to 40 selected prisoners nearing release, the facility has consistently only held on average between 10–15 prisoners. It has, however, done some excellent work.

Under-use of high quality work camp facilities is not unique to Roebourne and in the context of a very crowded prison system is perplexing and disappointing. It is a wasted and expensive public resource. Much of the difficulty is related to a change in prisoner assessment policy as a result of a single prisoner escape from an external activity.

The choice to reduce risk by shutting down opportunities for others is one for the Department. But we believe the costs to rehabilitation and reintegration, and the wasting of resources, should be given more weight in that choice. Recently, we have seen some changes to this assessment process and hope this will improve access for appropriately assessed prisoners.

It has taken an extraordinarily long time for the Department to finalise its operating model for the work camp. At the time of writing this overview, the model is still incomplete, some 12 months since the Department received submissions regarding the model. The delay is unacceptable considering the opportunities the work camp offers, its accomplishments to date, and the cost.

The Problem of Heat

In November 2015 we released a comprehensive report detailing the climactic conditions being experienced by prisoners and staff in a number of prisons throughout the state (OICS, 2015a). Roebourne was one of the prisons examined in the report.

We found that given the extreme conditions in the Pilbara, the prison was constructed of the inappropriate materials, with an inappropriate design and without temperature control infrastructure in place. The finding was that ‘[T]he temperatures we recorded at Roebourne were not simply uncomfortable; they demonstrated a significant threat to prisoner health.’

Conditions at Roebourne (built in 1984) stand in stark contrast to the newly designed and constructed West Kimberley Regional Prison, also in an area of extreme heat, but had been expertly constructed with this in mind. Despite the 30-odd year difference in construction time, those who serve time at Roebourne are still deserving and entitled to equal treatment in terms of health, decency and wellbeing needs, which includes the climatic conditions in which they are held.

A number of recommendations were made in the review including: that the Department needed to be more proactive in knowing what its risks and issues were in relation to heat; needing a plan on how to manage extremes of heat at each prison; and ultimately, to provide air conditioning where acceptable conditions could not be obtained by other cheaper methods.

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In relation to Roebourne the Department promised some immediate action such as building shade structures, buying misting fans and taking measures to improve airflow and ventilation.

One of the key themes of this inspection therefore, was to assess to what extent the Department had acted upon these immediate promises, and what, if any, progress had been made towards implementing the recommendations.

Of course, if strategic planning for the Pilbara region was identifying the possibility of closing the prison at its current location and building elsewhere, this would affect what investments should be made in addressing the climate issue. This would have framed our assessments of the suitability and progress of actions taken. In the absence of any planning having been done or shared with us, we proceeded on the assumption that Roebourne would continue to operate as the sole prison for the Pilbara into the medium term future. In that context, the progress towards address this critical issue was mixed.

Positively, a number of actions had been taken to try and reduce the impact of the extreme heat. These included: trialling air vents in cells; fibreglass sheeting in areas to reduce direct sun exposure; using misting fans; changing regimes on extreme temperature days; installing ice and water machines; and the erection of shade structures in outdoor recreation spaces. While not all of these strategies were proving successful, the prison is commended for taking action.

There had been no real progress, however, towards the key action of installing heat reduction devices, and specifically air conditioning. The prison itself had acted, preparing a detailed business case for funding its installation. This included acknowledgement that many of the other mitigation actions had not worked and that continued cell sharing meant that air flow was restricted. The initial identified installation cost was over \$2 million. The Department did initiate an investigation of solar panels to support the installation as well. Despite the business case being submitted in October 2015, there has been no response or decision by the Department. This is extremely disappointing (and no doubt frustrating for the prison management and staff). It is not acceptable for a year to pass with no evidence of action.

The recommendation in this report that air conditioning should be installed in all residential cells was not meaningfully addressed by the Department. Again a standardised response was given that such things would be ‘considered’ in the context of Departmental priorities. There was no attempt at providing detail, information or issues facing the Department in making those decisions, or influencing those priorities, nor an acknowledgement of the problems identified in the report.

The Department is providing poor responses to us and other oversight bodies

Over the course of the past two years there have been many occasions where we have had to ask the Department to reconsider its initial responses to our reports, or to provide additional information. Most often this has been because we have found the response fails to adequately address the recommendation; did not provide sufficient detail to support

claims the Department was making in the response; or we had concerns about the quality of the information provided.

For this report, we again requested revised responses. Rather than providing detailed information for each recommendation made, the Department grouped recommendations together and provided generic responses. It did not provide any detail to substantiate any claims made in the response, failed to provide any information about its priorities or what policy options it was examining, and did not give any information that would allow us to assess what actions it might take going forward. While grouping the responses was done with good intentions, it has meant that no detail or information has been provided for the specific issues raised by each recommendation and the evidence that supported them. It leaves an impression of a failure to be open and holistic about the issues raised and where things could go from here.

Initially, the Department responded that all recommendations were ‘supported in principle’, which under our MOU with them meant it would take no action at all to address any of the concerns or recommendations made. Upon our request to reassess this, responses were all changed to ‘supported’ but with the caveat that these could only be ‘considered against budget, strategy and Department priorities’. This still provided no other details, ideas about policy priorities or what action we might see.

The Department’s responses compare very poorly with the quality, depth and detail of what we receive from private sector operators. That is most regrettable: the evidence is very clear that private sector responsiveness has improved performance, efficiency, the targeting and delivery of services and accountability (OICS, 2016).

We are not alone in our concern at the Department’s reticence to provide detailed accurate information. Over the past 18 months there have been a number of other agencies and official bodies to raise concerns about the Department’s failure to respond openly and directly to requests for information, and the quality of information. As was noted in our 2014/15 Annual Report, the Economic Regulation Authority and Auditor General had raised some concerns about information provided by DCS (OICS, 2015b, p. 8).

More recently, members of the Legislative Council’s Standing Committee on Public Administration spoke to a motion regarding the inadequacy of the Government’s response to its inquiry and report *Transport of Persons in Custody* (Standing Committee on Public Administration, 2016). Members of the Committee from both sides of the House made substantial comment about the process of getting information from Government and DCS, describing it as the ‘excruciating extraction of information’ (at 5912) operating in a ‘veil of secrecy’, and experiencing being ‘continually frustrated by bureaucrats’. The Committee’s frustrations led to an unprecedented demand that the Department provide a new set of responses.

Recently, the Auditor General again raised serious concerns. He said he could not form an opinion on required matters because of a lack of information. He also found the Department had not provided any evidence that it had conducted adequate internal assessments.

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The Commissioner himself has raised the need for the Department to become more open (DCS, Commissioners Broadcast, 23 September 2016). He states that ‘the community has a right to know how we are managing resources on their behalf’ and that doing so will, ‘in the long term ... benefit the Department by building on our social licence to operate.’ The Commissioner also rightly points out that by doing so it enables the Department to clearly and holistically give their point of view, take more ownership of positive achievements and clarify its planning and challenges.

While he was speaking in the context of the media, the principles should apply even more so to agencies such as us. We have an obligation of oversight for custodial operations and legal rights to access information.

There are occasions when the Department provides sufficient quality and quantity of information but there appear to be pockets of resistance. I simply encourage the whole agency to take heed of the Commissioner’s stated desire to consistently be open and accountable, as we work towards the common goal of obtaining the best value for money service while providing humane, decent, safe and effective outcomes.

The Future

So what is the future for Roebourne Regional Prison, and more broadly, custodial services in the Pilbara? Without better investment and priority being given to future planning it is impossible to say.

As the then Inspector noted 14 years ago, the Pilbara must have a prison. The need for the region to have a custodial service is fundamental. The needs of police, courts and corrections must and should all be considered in concert to work towards a sustainable, cost effective model of service delivery of the right services in the right places.

This issue for the Pilbara has a striking similarity to the situation in the Kimberley. Looking back to the last inspection of Broome Regional Prison in 2014; at that time, the prison was facing closure, having been announced in 2011 that it would gradually wind down and shut by 2015. At the time of the 2014 inspection, no consultation had been done, no plans had been made and there was no strategic plan for the future of justice services in the Kimberley. Fast forward to 2016 and we were recently informed that Broome would not be closing and would, in fact, be increasing its population and have its full suite of services restored. But there is still no broad Kimberley Plan for future correctional needs and decision making. Spending public money in what appears to be an ad hoc way and in an uncoordinated vacuum cannot continue.

Now that the Department restructure is nearing its end, it is time to stop looking inward and reacting just to the pressure of ‘beds’ and look forward to the future needs of the entire custodial estate and specific regions in a holistic, integrated and strategic way.

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