



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

2019 INSPECTION OF
BROOME REGIONAL PRISON

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JANUARY 2020

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2019 Inspection of Broome Regional Prison

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Inspector's Overview

PLANS FOR A NEW PRISON IN BROOME ARE WELCOME, BUT THE EXISTING PRISON NEEDS TO MAINTAIN ACCEPTABLE CONDITIONS AND SERVICES

This was our seventh inspection of Broome Regional Prison (Broome) and this report sets out our findings and recommendations. There have been some noticeable improvements in several aspects of the prison and its operations since our last inspection. However, everyone we spoke to agreed that the infrastructure was unsuitable, well past its useful life, and in need of replacement.

The state government announced in May 2019 that it had set aside \$1.4 million to plan for a replacement prison in Broome. This inspection was undertaken within this context, noting that the planning, design and construction of a new prison would take several years.

This poses some challenging questions. What happens to the current prison in the intervening years and what services will it offer to the men and women who are sent there? What will be the role, purpose, and operating philosophy of the new prison? These questions are more closely linked than they may at first appear.

BROOME IN THE INTERVENING YEARS

We saw evidence of many changes in Broome during this inspection. Some improvements were cosmetic, by way of general maintenance and refurbishment to the maximum-security unit. Others were more structural like the installation of the temporary kitchen and the modular construction of a new kitchen and dining hall, which we understand is due to be in place in early 2020. A new fence has also been installed around the basketball court. This will enable women and prisoners in the maximum-security unit increased access to outdoor recreation.

There is an improved level of stability in the leadership team, which is having a positive impact in re-establishing many governance and compliance processes around the prison's operation.

But there is work still to be done. We have identified in this report many opportunities for improvement in areas such as services and programs for prisoners, employment options, and other essential supports.

Staff and prisoners we spoke to were generally positive about being at Broome, notwithstanding the limitations of the infrastructure and the absence of many core services for prisoners. The exception would be those men who were housed in the maximum-security unit. Many prisoners told us they were bored and had little to occupy their time in prison. This was not surprising given the lack of education, programs, and limited employment opportunities.

The findings and recommendations in this report are focussed on achieving progress in these areas. The Department has supported, or supported in principle, five of the seven final recommendations.

PLANS FOR A NEW PRISON IN BROOME ARE WELCOME, BUT THE EXISTING PRISON NEEDS TO MAINTAIN ACCEPTABLE CONDITIONS AND SERVICES

PLANNING FOR A NEW PRISON

The planning for a new prison in Broome will inevitably have to consider questions around what its role, direction and operating philosophy might be. Will it be a short term holding and remand facility or will it also hold medium and longer term sentenced prisoners. Will it house women and young detainees? What services will it offer and how will it fit within the broader prison system?

The answers to these and perhaps other questions may well inform what ought to be done in Broome in the intervening years.

During our inspection, we met with several key external stakeholders, including representatives of local government, state government agencies, and community groups. We heard a high level of optimism for the potential that a prison in Broome offers. There was considerable support expressed for opportunities to partner with the prison in offering employment and training opportunities, community work, and in-reach support services.

It appears that with some innovation and initiative, together with support from the Department, there are many opportunities to engage with the local community to provide meaningful activities for the men and women who are sent to Broome. Such partnerships, if guided by a solid understanding of what a future prison in Broome might look like, would create a solid foundation for the future and offer rehabilitation opportunities for the prisoners in the intervening years.

I would encourage the Department and prison leadership to embrace the opportunities identified in this report to lay solid foundations for Broome into the future.

ACKNOWLEDGMENTS

I would like to acknowledge the cooperation and support we received throughout this inspection from the Superintendent and staff at Broome, and key personnel in the Department.

It is also important for me to acknowledge the significant contribution of our inspection team and particularly Jim Bryden for his hard work in planning the inspection and Christine Wyatt as principal drafter of this report.

Eamon Ryan
Inspector

14 January 2020

EXECUTIVE SUMMARY

Broome Regional Prison (Broome) is one of the most inspected facilities in the state, having been inspected seven times. Some of these inspections occurred outside of the legislated three-year cycle because of concern we have had in the past about the prison and its operations.

The existence and future of Broome has been uncertain for almost two decades. Since the announcement of a new prison in the Kimberley in 2001, the future of Broome as a prison has been uncertain. In 2012 it was announced that Broome was going to close. In 2015 it was announced that it would stay open. In between Broome had lost its status as a standalone prison and become an annex of West Kimberley Regional Prison when it opened in 2012. In 2016 it became a standalone prison again, and in 2019 monies were committed to start planning for a new prison for Broome. So a very confusing decade for Broome Regional Prison.

Given all of this, Broome continues to operate as best it can. We were pleased to find though that the current Superintendent was committed, had been in place for at least a year, and was intent on creating an effective management team to lead the prison.

It is an old facility with significant infrastructure and maintenance deficits. The maximum-security section was overcrowded, with no meaningful activity for prisoners, who compared it to being in segregation. Maintenance was challenging in a prison already unfit for purpose. The announced plan for a new prison means that large infrastructure improvements will not be funded going forward, only maintenance issues. This did concern us because we have said that Broome is unfit for purpose for many years now and so we worry about the ongoing condition of the prison.

Our pre-inspection surveys found that prisoners no longer felt that staff respected their culture. Staff put this down to the metro-centric training they received that did not assist them to understand the specific Aboriginal groups in the Kimberley. Consequently, we have recommended regular region-specific cultural awareness training at all prisons, which the Department has supported.

There were many areas of prison operations that we found were working well, despite the overcrowding, maintenance problems and ageing infrastructure.

- Visits continue to operate well.
- Improvements to recreation were planned.
- Food was good, especially given they were operating from a temporary kitchen.
- Property storage processes functioned well.
- Assessments were up to date.

But many Aboriginal prisoners told us that they were far from home with 53 per cent being from out of country. They also spoke about their frustration and distress over not getting to funerals. The Departmental requirement for funeral attendance of an immediate familial relationship is not culturally appropriate, and we have recommended changes to this in previous inspection reports.

EXECUTIVE SUMMARY

Health services at Broome were struggling to meet demand. The health services' team consisted of a clinical nurse manager and three nurses, who were committed and motivated. But the only GP service they had was a telehealth service for two hours each week. We also found that ancillary services were lacking, including dental, podiatry and optical. And mental health and psychiatric services were minimal.

Education and training opportunities were limited. Education provision at Broome had ceased when it was annexed to West Kimberley Regional Prison, and these had never recovered despite Broome becoming a standalone facility in 2016. Prisoners at Broome were largely unemployed, or under-employed, a fact unchanged since our last inspection. We found that remand prisoners had limited access to re-entry services, but that sentenced prisoners were serviced well.

In May 2019, the state government announced funding to plan for a new prison in Broome. When we inspected Broome in July 2019 there was still confusion about the purpose or ethos of the new prison. We heard that one criterion that had been established was that the new facility needed to be located within 15 minutes from the centre of Broome to maintain its proximity and accessibility to families and services. We hope that the planning and design of the new facility encompasses broader considerations, particularly,

- extra support required for remand prisoners
- distinct services for female prisoners, and
- custodial options for young people that do not require that they be transported away from their home.

RECOMMENDATIONS

RECOMMENDATION 1

Do not accommodate men and women in the same unit.

RECOMMENDATION 2

Implement a short-term solution to address the mould and associated occupational health and safety risks in the administration buildings.

RECOMMENDATION 3

Streamline recruitment processes so vacancies can be filled in a timely manner.

RECOMMENDATION 4

Provide regular region-specific cultural awareness training at all prisons.

RECOMMENDATION 5

Implement a full support service to meet the needs of Aboriginal prisoners.

RECOMMENDATION 6

Fill the vacant 0.5 FTE comorbidity nurse position.

RECOMMENDATION 7

Offer a full suite of meaningful and engaging services to all prisoners at Broome.

FACT PAGE

NAME OF FACILITY

Broome Regional Prison (Broome)

ROLE OF FACILITY

Broome manages male and female prisoners of all security ratings from across the Kimberley region. It also manages the Wyndham Work Camp located in Wyndham, more than 1,000 kilometres away.

LOCATION

The prison is in the town centre of Broome, Western Australia, 2,174 kilometres north of Perth. The traditional owners of the land are the Yawuru people.

BRIEF HISTORY

A small sheltered enclosure was built in 1894 (the 'bull pen') but the accommodation blocks of the prison were not built until 1945, the year in which the prison was opened. It is the oldest operating prison in Western Australia.

In 2012 the then Minister of Corrective Services determined that the prison should close. The prison began closure and over the following year dispersed most of the staff and prisoners to other prisons. Broome remained in this limbo status until 2016 when the Department announced that the prison would not close and accepted more staff and prisoners into the prison. The services for the prisoners were not returned and thus the prison has not taken on the role it once had.

The state government announced in May 2019 that it had set aside \$1.4 million to plan for a replacement prison in Broome.

INSPECTION DATES

21–25 July 2019

CAPACITY

The prison operational standard bed capacity is 78 and Wyndham Work Camp is 40.

Chapter 1

HISTORICAL UNCERTAINTY TRANSLATES TO AILING INFRASTRUCTURE

We have previously inspected Broome Regional Prison (Broome) six times; in 2001, 2004, 2007, 2008, 2011, and 2017. We also inspected it in 2014 as part of the West Kimberley Regional Prison (West Kimberley) inspection when Broome was annexed to that prison. This makes Broome one of the state's most inspected facilities.

1.1 YEARS CLOUDED BY UNCERTAINTY

Much of the past two decades has been uncertain for Broome, its staff, and its prisoners. In 2001, we conducted our first inspection of Broome. We found that it was severely overcrowded and not meeting the standards of humane and purposeful incarceration (OICS, 2002). Soon after, the then Minister for Justice announced a new prison for the vast east and west Kimberley region (Burns, 2001).

Despite the announcement, there was little progress on a new facility. It was not until April 2007, after years of consultation and our second and third inspections, that the state government announced the new prison would be built in Derby (Quirk, 2007). While still in the west Kimberley region, Derby is about 220 kilometres from Broome where most essential services are based.

In August 2012, after another six years and two more inspections, the state government announced that Broome would close in 2015 (Cowper, 2012). In the intervening years, Broome was to become a short-term remand facility allowing for the continued servicing of the courts which were to remain in the Shire of Broome. The prison would also manage transfers, and offer an option for local offenders to maintain social and family contact. But primarily, Broome was to house Indonesian nationals mostly sentenced by the federal government for people smuggling offences (Cowper, 2012).

Following this, in November 2012, the West Kimberley prison at Derby was opened. Broome became an annex of West Kimberley which meant that its operations fell under the authority of the West Kimberley Superintendent. Prisoner numbers at Broome dropped from a daily average population of 120 in 2012 to a cap of just 32 in 2014. Accordingly, the staffing level was cut significantly and most services for the prisoners were either abolished or left to dwindle.

When we inspected Broome in 2014 (as part of our first West Kimberley inspection), we found it lacked a sense of purpose. The uncertainty had continued because, while Broome was still expected to close in 2015, staff were in the dark about their future (OICS, 2015). As such, we recommended:

The Department ... finalise its planning for the closure of Broome Regional Prison and for the future of custodial corrections in the Kimberley, including genuine consultation with stakeholders and communication with its staff (OICS, 2015).

The then Department of Corrective Services, now Department of Justice (the Department), supported this recommendation citing that an investigation of options for the closure of Broome was underway. So too was planning for custodial facilities in the

HISTORICAL UNCERTAINTY TRANSLATES TO AILING INFRASTRUCTURE

Kimberley to meet future demand (OICS, 2015). But this changed within months when, in June 2015, the state government announced that Broome would remain open (Francis, 2015).

By 2016, Broome’s future looked more stable when it became a standalone prison once again and a Superintendent was reappointed. However, when we inspected Broome for the sixth time in 2017, we found it was unfit for purpose and in urgent need of investment and a plan (OICS, 2017). We recommended building a new prison or upgrading the current one to a humane and decent standard. Again, this was supported by the Department, in principle. Options for the delivery of custodial services in the Kimberley region in the short, medium, and long term were being reviewed for inclusion in the Department’s Strategic Assets Plan. The immediate priorities were to upgrade conditions and security.

While some remedial works and upgrades were made, it was not until May 2019, that the state government announced \$1.4 million to plan for a new prison in the Shire of Broome (Logan, 2019).

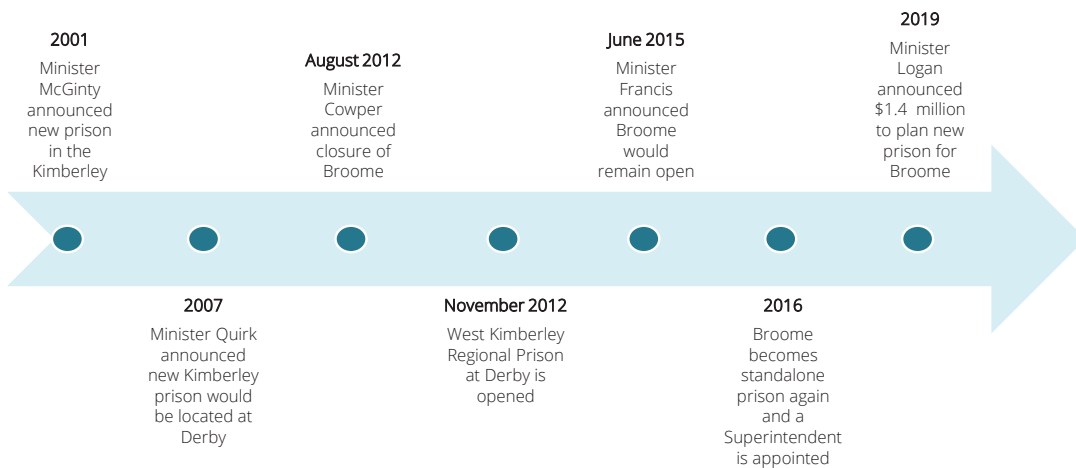


Figure 1 Timeline of significant policy changes affecting Broome Regional Prison (2001–2019)

Re-establishing senior management positions was restoring stability

Due to the uncertainty of recent years, Broome had lacked stable leadership. It lost its senior management team, including the Superintendent’s position, when it was annexed to West Kimberley. However, even after becoming a standalone prison again in 2016, Broome was unable to achieve continuity with its leadership. A substantive Superintendent was appointed in September 2016 but he took leave in early 2018 prior to retiring. He was replaced with an acting Superintendent until July 2018 when the current Superintendent was appointed.

This inspection, we found that the new Superintendent was committed to Broome and recognised that there was much to do. He was prioritising the establishment of governance arrangements and ensuring mandatory requirements for the safe and

HISTORICAL UNCERTAINTY TRANSLATES TO AILING INFRASTRUCTURE

effective management of the prison were being met. He had also actively sought to create and fill essential positions in a new management structure including the Business Manager, Security Manager, and Assistant Superintendent Offender Services (ASOS). We expect that filling these positions will enhance Broome's ability to operate effectively, and reduce the heavy workload of the Superintendent and Assistant Superintendent Operations (ASO).

1.2 INFRASTRUCTURE LIMITATIONS

At the time of our last inspection we found Broome in disrepair and not fit for purpose (OICS, 2017). We urged the Department to invest and plan for the prison's future after years of neglect and uncertainty. Broome continues to have considerable infrastructure limitations, although some improvements have been made.

The maximum-security section was still an overcrowded and depressing space

In 2017, we found that conditions in the maximum-security section (MSS) were worse than any other prison in the state with its crowded cells, dark and caged-in patio, lack of recreation space, and absence of any meaningful activity for prisoners placed there (OICS, 2017). It continued to be overcrowded and depressing this inspection, although some works had occurred:

- ablutions areas were refurbished and ligatures minimised
- cell doors were repainted and fitted with medical hatches
- a communal area had been refitted
- the main floor area had been cleaned and re-sealed.

While these were improvements, the underlying infrastructure of the MSS was not fit for purpose. Visits were still held within the unit where there were no facilities or play equipment for children. There was no meaningful activity, and prisoners compared the unit to segregation. The unit's capacity of 28 medium- and maximum-security men was regularly exceeded (36 times in the first six months of 2019), meaning it was not unusual for prisoners to sleep on mattresses on the floor.

The women's unit had been further restricted, and sometimes shared with men

The women's precinct was an unfriendly, small, four-cell unit that was largely self-contained, although without any active recreation areas. Like the MSS, visits occurred within the unit even though there were no visitor- or child-friendly facilities. In the past, we have concluded the overall amenities in the women's unit were poor (OICS, 2017), but during this inspection we found they were further impinged upon, because:

- an activities and programs room was being used for storage
- the small recreation yard was now the site of a temporary kitchen after the demolition of the prison's kitchen and dining room
- the mother-and-baby cell had recently been converted to a safe cell.

HISTORICAL UNCERTAINTY TRANSLATES TO AILING INFRASTRUCTURE

There was an obvious lack of privacy in the safe cell with the security camera able to fully view prisoners taking a shower.

Typically, few women were placed at Broome, and they were usually only there for short stays. Given this, and the limited bed space, the women's unit had been used occasionally to house men as an overflow for the MSS, when they needed to be unlocked early, or when they needed protection. This meant men and women were housed in the unit together (27 times in the first six months of 2019). Data revealed that while sometimes the co-locating of men and women was only overnight (during lock down hours), other times it occurred over days. We recognise Broome's limited infrastructure, but this is not good practice and it breaches international standards. Furthermore, it should not become normalised as it can negatively affect prisoners by increasing their time in cell as women are locked in while men are out, and vice versa.

Recommendation 1

Do not accommodate men and women in the same unit.

Basketball courts were set to become accessible to all prisoners

We have long highlighted the lack of recreation opportunities for MSS prisoners, and women at Broome (OICS, 2017; OICS, 2015; OICS, 2012). So, it was good to see that the prison had invested in fencing the basketball court. This would allow MSS prisoners and women to access open-air recreation, not just the minimum-security men. However, at the time of the inspection, policies and procedures governing use had not been developed. This meant the courts were not yet being used as intended. We will continue to monitor this closely as it will provide the only real opportunity for recreation within Broome's limited infrastructure and resources.

Since the Inspection there has been a Superintendent's Instruction issued containing procedures governing the use of the basketball courts.

The hazards of the kitchen, dining room and medical centre had been removed

Last inspection, Broome's kitchen had become a health and safety concern (OICS, 2017). The floor was a safety risk having lost its non-slip coating, and exposed brick work was difficult to clean and harbouring bacteria. Since then, the kitchen and adjoining dining room had been demolished due to white ant and asbestos problems. A temporary kitchen had been installed in the recreation yard of the women's unit, while a new kitchen and dining room were being built offsite. We were advised that the new infrastructure was delayed as the original design did not include a dining room. The expected completion date is March 2020, but in the interim, an unlevelled concrete slab was haphazardly taped off and often crossed by staff.

HISTORICAL UNCERTAINTY TRANSLATES TO AILING INFRASTRUCTURE



Photo 1. The temporary kitchen.

The medical centre was one of Broome's most recent additions (built in 2011), but by the time of the last inspection, its floor had also been infested by white ants (OICS, 2017). We were pleased to see that the floor had been replaced and that issues with mould also seemed to have been rectified. Medical centre staff were pleased with the improvements and, at the time of this inspection, were moving clinic rooms around to improve traffic flow and decrease security risks.

Education, administration, and office spaces were still limited and mould still visible

With Broome's future subject to various policy changes in recent years, appropriate education and administrative spaces were still being determined during the inspection. In 2017, there were very few administrative staff, so they moved into the education building and Adult Community Corrections (ACC) occupied the administration offices (OICS, 2017). ACC have since left and the prison's administration has moved back into those offices. But, as Broome has resumed some of the functions of a standalone prison, the size of the administration team and other support services has increased. And while education has yet to recommence (expected late 2019 or early 2020), this will further stretch the limited space available.

It was also clear that the education building was still riddled with mould. This was despite the Department supporting our recommendation last inspection to fix the cause identified as water leaks through the light fittings and condensation build-up in the

HISTORICAL UNCERTAINTY TRANSLATES TO AILING INFRASTRUCTURE

air-conditioning vents (OICS, 2017). Given mould can have significant health ramifications, and the space will be used by many more people soon (staff and prisoners alike), addressing the issue should be prioritised.

Recommendation 2

Implement a short-term solution to address the mould and associated occupational health and safety risks in the administration buildings.

Risks removed in the MSS ablutions not matched in the minimum-security area

The tragic death of a prisoner in an MSS bathroom was the subject of inquiry by the Western Australian Coroner (Vicker, 2019). The Department addressed the identified physical security risks associated with this death by refurbishing both MSS ablutions areas and minimising ligature points. But the ablutions in the minimum-security area, with the same identifiable risks, were not renovated. When we enquired about this, Broome staff were unable to advise us of the rationale. Arguably, minimum-security prisoners pose less risk as most are sentenced and settled. However, a minimum-security rating comes with a reduced level of supervision which, in times of distress, can be detrimental if prison staff are unaware of a prisoner's change in circumstance.

Maintenance was challenging in a prison already unfit for purpose

The announced plan for a new prison means that any large-scale infrastructure changes for the current prison are unlikely to be approved despite its ailing infrastructure. We were told Broome had been advised that only maintenance will be funded into the future. We acknowledge the pragmatism of this position, but we have concerns about the ongoing condition of the prison. We already declared Broome unfit for purpose during our previous inspection (OICS, 2017). In 2019, this remained fundamentally true, and Broome still did not have a maintenance schedule for the buildings or equipment. This should be prioritised as some building and yard maintenance had fallen behind and there were visible issues (including leaking taps and water damage which had affected building structures). It is likely to be five or more years before the new prison opens, particularly as funding has only been confirmed for the planning and design of the new prison, not the build. We query whether Broome can achieve and maintain a humane and liveable standard in that time.

At the time of the 2019 inspection, the maintenance officer position was temporarily occupied but the substantive vacancy had been advertised for permanent filling. Transitioning to the new temporary maintenance officer was handled well as the prison only experienced a one week break in service. The temporary occupant was taking a proactive approach with minor works being resolved internally and only the larger issues being referred externally for repair. It was positive to see the prisoners, with little else to do, actively engaged in minor maintenance work such as scraping, painting, and oiling the wooden decks.

HISTORICAL UNCERTAINTY TRANSLATES TO AILING INFRASTRUCTURE



Photos 2 and 3. Mould and water damage continued to cause maintenance problems across the site.

HISTORICAL UNCERTAINTY TRANSLATES TO AILING INFRASTRUCTURE



Photo 4. Mould and water damage continued to cause maintenance problems across the site.

Chapter 2

ENHANCING TREATMENT AND SERVICES FOR PRISONERS

This inspection of Broome occurred from 21–25 July 2019. We observed some considerable improvements this time, particularly as the prison continues its journey to resuming the functions of a standalone facility. These improvements included recruiting essential positions; the repair, refit and rebuild of key infrastructure; and the tendering for critical health services for the high-needs prisoner population managed in Broome. But there was still room for the prison to do better. The focus for Broome must be to ensure that prisoners receive humane and decent treatment now and over the coming years while the new prison is planned, designed, and ultimately constructed.

2.1 HUMAN RESOURCES

Human resources processes worked well but recruitment was an issue

Several key positions had been created, and had either been filled or were in the process of being filled during the inspection. This included the substantive appointment of the Business Manager (in January 2019), Transitional Manager (February 2019), and Satellite Training Officer (July 2019). Recruitment for the ASOS and Security Manager roles was also nearly complete. The new staff were bringing much needed energy and enthusiasm into the prison following years of uncertainty about its future. Filling these positions will also facilitate the effective management of the prison.

However, there was frustration at the time taken to recruit. All applications to advertise vacancies had to be sent to head office for approval, sometimes taking up to six weeks. Following the selection process, the file had to return to head office for quality assurance and final approval. This was often leading to a loss of continuity as staff were not replaced in a timely manner. It also meant some recommended applicants declined roles because they had already found alternative employment.

We recognise that the Department needs to have controls on staffing numbers and to ensure processes are compliant with public sector standards. But those controls should enhance rather than impede the delivery of its core business. The Department needs to support prisons and consider streamlining the process to improve efficiency.

Recommendation 3

Streamline recruitment processes so vacancies can be filled in a timely manner.

Aboriginal staffing numbers had increased but more could be done

Since our last inspection, the number of Aboriginal staff at Broome had increased to 11 (9 custodial staff and 2 administrative staff). Several Aboriginal staff had transferred from West Kimberley, which potentially reduced Aboriginal staffing levels there. But, while the increase for Broome was positive, more could be done. Broome is an Aboriginal prison – Aboriginal prisoners make up about 80 per cent of the total population. The presence of Aboriginal staff can encourage Aboriginal prisoners to engage more with prison

ENHANCING TREATMENT AND SERVICES FOR PRISONERS

operations and help build stronger prisoner-staff relationships. Aboriginal prisoners often seek out Aboriginal staff for assistance and support, particularly if they can communicate in language. Aboriginal staff can also suitably support and respond to cultural obligations, aiding prisoner wellbeing.

Prison officer training had been neglected but the future was positive

Records showed that most prison officers' mandatory skills were out of date. We attributed this to the indecision about Broome's future. Last inspection, Broome's training was provided by West Kimberley's Satellite Training Officer, who effectively delivered only four hours of training per fortnight (OICS, 2017). At that time, the Department committed to providing Broome its own full-time trainer. But it was not until three weeks before this inspection that a trainer was appointed. Fortunately, she was already making a difference with a flexible approach to ensuring staff were updating their mandatory skills. However, she conceded it would take six to nine months to complete this because she also had to train staff at the work camp, about 1,000 kilometres away. And because many of the physical training resources had disappeared following the decision to close the prison.

2.2 TREATMENT OF PRISONERS

Region-specific cultural awareness training could advance prisoner-staff relations

Broome had a transient population, with most prisoners only placed there for a short time. In the first six months of 2019, the average length of stay was 22 days. Despite this, prisoners and staff had good rapport and their relationships were generally positive. We saw polite and respectful interactions which were supported by the pre-inspection survey results. These showed most prisoner respondents thought prison officers applied the rules fairly and treated them with dignity. Similarly, nearly three-quarters of staff surveyed said officers and prisoners generally got on well.

However, like our last inspection, we found that prisoners felt their culture was not respected by staff. In 2017, prisoners thought staff lacked cultural understanding. This was magnified by staff feeling that metropolitan-centric training did not help them understand and manage the specific Aboriginal prisoner groups in the Kimberley (OICS, 2017). This inspection, prisoner perceptions of staff understanding of cultural needs and connection had improved. But more than a third of prisoners surveyed still felt their culture was not respected. And 40 per cent of officer respondents felt they had not received adequate cultural awareness training, in part because this training last occurred approximately four years ago, at West Kimberley. Unsurprisingly, region-specific cultural awareness training was often raised by prisoners and staff, and we would support this training being added to Broome's schedule.

Recommendation 4

Provide regular region-specific cultural awareness training at all prisons.

ENHANCING TREATMENT AND SERVICES FOR PRISONERS

Support services for prisoners did not meet need

Despite our calls for a full support service to meet the needs of Aboriginal prisoners (OICS, 2017), Broome was only partly resourced in this area. A chaplain regularly attended to provide pastoral care and lead religious services, but the Aboriginal Visitor Scheme (AVS) visitor role was only filled on a part-time basis (3 days per week). The Prison Support Officer (PSO) position (also part-time – effectively half a day per week) was only temporary, and the future of the role was uncertain. The current PSO was the substantive Programs Officer. The Programs Officer role was abandoned at Broome but he continues to deliver programs at West Kimberley three days per week. While he works at Broome on the other two days, most of that is spent preparing program reports and case notes, leaving just half a day for PSO duties. Although he clearly cared about the PSO role, his position was funded for programs and that was the priority. But the arrangement was also temporary and he did not know when or if his position would be revoked. This concerns us as we have previously recommended the appointment of a full-time PSO at Broome due to its transient population, made up of mostly Aboriginal prisoners with high needs (OICS, 2017).

Recommendation 5

Implement a full support service to meet the needs of Aboriginal prisoners.

Fortunately, prisoners across the facility were also assisted by the peer support team. They visited each unit daily speaking with prisoners and helping them with letters of complaint, parole applications, funeral applications, and messages to be read out at funerals. The peer support program was established to provide support to emotionally distressed prisoners, as part of efforts to reduce the rate of self-harm and suicide. Yet peer supporters had not received Gatekeeper training, which teaches participants to recognise and respond to individuals at potential risk of suicide.

Property processes functioned well but the laundry needed a simple solution

Prisoner property was stored well and organised for easy access, but there was limited additional storage space if prisoner numbers increased considerably. Laundry, clothing, and bedding all rated highly with around two-thirds of prisoners surveyed saying these conditions were good. Clothing was washed in laundry bags but some were overfull preventing clothing from getting properly cleaned. The laundry bags had iron-on name tags identifying owners but prisoners and staff told us the name tags often fell off in the wash. This meant unidentifiable clothes were returned to reception and prisoners had to request more. This issue was addressed shortly after the inspection by a purchase of new larger clothing bags and updated name tags.



Photo 5. The prisoner property store was at capacity.

Food preparation was admirable given the limitations of the temporary kitchen

We received positive feedback about the quality of food from prisoners and staff alike. Staff survey results showed approval declined since 2017 but this was likely explained by the loss of the kitchen and the limitations of its smaller, temporary replacement. The temporary kitchen had electric cookers providing less temperature control than the former gas operations, and only one of the two ovens was working. Despite these limitations, two chef instructors provided seven days' supervision and instruction to six prisoners who worked in shifts of three, morning and afternoon. Meals were cooked fresh and kept at a safe temperature before being delivered to the units in portion-controlled containers. The kitchen had a four-week cyclic menu and catered for special dietary requirements when requested by medical staff.

Prisoners and staff also spoke positively of the traditional food available during recent NAIDOC celebrations. Given there was no budget for this, the sourcing and preparation of culturally appropriate foods showed resourcefulness and cultural leadership by Aboriginal staff, supported by the local community. Appropriate provision should be made for traditional food and bush tucker year-round, to help meet prisoners' preferences and respectfully acknowledge Aboriginal culture.

Recreation was poor but improvements were planned

Without a recreation officer or any organised sports program or activities, recreation was poor. The prison does not have an oval, gymnasium, functional weights, or exercise machines. Men in the minimum-security section could access the basketball court and

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Photo 6. Meals were cooked fresh and feedback about the food was positive.



Photo 7. Meals were cooked fresh and feedback about the food was positive.

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grassed spaces, but conditions for women and the MSS men were much worse as their units did not encourage physical activity or recreation. As such, most activities were generally passive and reliant on individual motivation.

However, installation of a fence around the existing basketball court was almost complete. This will enable Broome to provide all prisoners with access to physical activity in the open, helping them maintain their physical and mental health. It should also provide opportunities for socialisation between men and women with family and kinship ties, under appropriately managed circumstances. Broome could also reengage the community by having sporting groups come in to compete against the prisoners.

We would also encourage some innovative thinking about the use of the basketball court. There may be opportunities to use the space for social visits; while there are no tables or chairs, temporary furniture or picnic rugs could be supplied replicating community norms.

Prisoners were encouraged to maintain relationships with family

Visits continued to operate well. Visitors were quickly and efficiently processed upon arrival, ensuring visit times were maximised. Arrangements were also appropriately flexible for the region, with staff able to exercise discretion (informed by local knowledge) to admit visitors who attended without booking or had travelled from more remote communities. Sessions occur every afternoon with male minimum-security prisoners accessing a large outdoor area that offers shaded seating, a children's play area and visitor toilets. Unfortunately, visits for women and MSS prisoners were held within their respective units which did not offer the same amenities.



Photo 8. Male minimum-security prisoners enjoyed visiting with friends and family in a pleasant outdoor setting.

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Like other prisons Broome would benefit from e-visit technology, particularly given the vastness of the Kimberley and that one in five prisoners surveyed said they did not receive visits. Out-of-country prisoners were eligible to receive two free 10-minute telephone calls per week to help maintain contact with family and friends.

Funeral attendance was again causing angst and distress for Aboriginal prisoners

Applications to attend funerals are governed by Policy Directive 9 (PD9). In general, only immediate familial relationships are considered favourably, but exceptional relationships may be considered in primary carer relationships. Last inspection, we recommended the Department also acknowledge kinship and extended familial relationships when processing applications to attend funerals (OICS, 2017). Aboriginal people have cultural obligations following the loss of immediate or extended family, as well as people with kinship or community ties. Failure to meet these obligations, despite being in custody, may be considered disrespectful, can be detrimental to the prisoner's wellbeing, and can even have consequences for the prisoner on release.

The Department supported this recommendation. It stated that while it provided compassionate consideration to all applications, it would review PD9 with the help of its Aboriginal Advice Team to determine 'the most culturally appropriate approach to acknowledging kinship and cultural ties' (OICS, 2017, p. 54). Yet more than two years later, applications were still assessed against the same restrictive criteria, and Aboriginal prisoners were not getting to funerals despite efforts by staff to assist them. Nearly 70 per cent of staff surveyed said this was unacceptable.

In this context, we found a sense of learned helplessness, with staff and prisoners identifying that prisoners were giving up, not applying for funerals, and believing there was no point. This reinforces the need for a full-time PSO and region-specific cultural awareness training to support prisoners:

- applying to attend a funeral
- accessing alternatives to attendance should approval not be granted
- managing grief.

Positively, a review of PD9 is expected to be complete by November 2019 (DOJ, 2019a). We were advised this will involve a diversity impact assessment by the Department's Aboriginal Reconciliation Team. We will continue to monitor this. But we expect the new policy will acknowledge kinship and family relationships when processing prisoner applications for funerals given the Department supported our 2017 recommendation. It is vital the Department works towards a framework that better supports Aboriginal prisoners through Sorry Business in a culturally appropriate manner.

Since the Inspection a Prison Order has been issued which has relaxed some of the previous restrictions surrounding funeral and visiting dangerously ill person applications. At the time of writing the impact of this change was yet to be assessed.

2.3 HEALTH SERVICES

Doctor's services were not meeting demand but a tender process was underway

The medical centre was staffed by a dedicated and knowledgeable team. A clinical nurse manager led three nurses working rostered eight- and ten-hour shifts with coverage provided by two nurses most days. However, Broome was only serviced by a doctor via the telehealth system for two hours per week. This was not meeting the demand given the high number of receptions, and the increasing number of people coming into custody withdrawing from illicit substances. The inadequate level of service meant some medical intake assessments by the doctor were delayed and acutely unwell prisoners were transferred to hospital. This created additional strain on the custodial staff to escort those prisoners to hospital.

At the time of the inspection, a tender was underway for doctors' services at Broome. We were also advised that prison doctors elsewhere in the state were willing to fly-in/fly-out to increase coverage. For Broome, it was frustrating that, under the current arrangement, its doctor also serviced West Kimberley in person four days per week. By comparison, West Kimberley has a largely sentenced and settled population with fewer receptions; it had 49 receptions from police or the courts in the first six months of 2019, Broome had 224.

Few ancillary health services were available

There were few ancillary health services available at Broome, although some services were being tendered at the time of the inspection. Most treatment was only provided to prisoners suffering acute need and they were treated via external appointment. Dental services were only initiated by emergency. This meant medical staff were treating acute issues, like abscesses, with medication during the one to three week waiting period. Fortunately, when the local dentist determined a prisoner required follow-up treatment, this was being scheduled. This was slightly better than at the last inspection when dental patients had to be transferred to West Kimberley for treatment (OICS, 2017).

Despite being an Aboriginal prison, and the prevalence of diabetes in Aboriginal populations (AIHW, 2019; Department of Health, 2015; NDSAG, 2015; AIHW, 2011) no podiatry and very limited optical services were offered at Broome. In fact, optical services were last delivered in May 2018 with staff explaining that a quota of clients was required prior to an optician attending. Given the prison's transient nature, the quota was rarely reached. Fortunately, while very little health promotion was being undertaken, all nursing staff were qualified in diabetes health.

Broome was under-supported in mental health care and psychiatric services

Mental health services offered at Broome were minimal. There was no mental health nurse, and while an agency nurse had a background in mental health, she was only contracted until August 2019. Broome received some coverage with telehealth sessions conducted fortnightly from Wandoo Rehabilitation Prison in Perth. While this was helpful, it was not the most therapeutic method to deliver services to unwell prisoners. Despite

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this, the prison was seeking regular psychiatric services via telehealth as in-reach psychiatric care was competing with high demand in the community.

Fortunately, there was a full-time Prison Counselling Service counsellor. However, demand for her services was limited to crisis care counselling and clients under the At-Risk Management System, and Support and Monitoring System. There were limited private spaces for counselling but the prison was trying to find suitable options and provide prison officer supervision to make this happen.

Given all of this, mental health care was largely reactionary. Staff expressed fear that too many vulnerable prisoners were escaping attention, and not receiving any service. This was supported, in part, by the staff survey results – about a quarter of respondents felt mental health services were unacceptable, and more than half did not feel adequately trained in suicide prevention.

There was no systematic approach to managing and treating substance use

During the inspection, we regularly heard about the scourge of methamphetamine in the Kimberley. We also heard about the well-documented links between substance use and domestic violence (AIHW, 2019; Philips & Vandenbroek, 2014; Day, et al., 2010). Yet, there were no criminogenic or therapeutic programs run at Broome to address the use and misuse of alcohol and other drugs. This was exacerbated by the lack of demand reduction strategies (like Alcoholics/Narcotics Anonymous and pharmacotherapy programs such as methadone), and a vacant 0.5 FTE comorbidity nurse position. This position had been advertised twice, but the prison was unable to fill the vacancy. It was unsurprising then that most prisoners who responded to our pre-inspection survey reported they were not helped with their addictions.

Recommendation 6

Fill the vacant 0.5 FTE comorbidity nurse position.

2.4 ASSESSMENT, CASE MANAGEMENT, AND REHABILITATION

Assessments were up to date but many Aboriginal prisoners were far from home

All prisoners are assessed to determine their security classification and prison placement (Management and Placement assessments or MAPs). This critical function is conducted by assessment writers. In 2017, Broome was dependent on West Kimberley's writers. The Department supported our recommendation to resource Broome to do its own assessments, adding it had identified the need for a writer in a newly developed staffing agreement. Post endorsement, recruitment would begin (OICS, 2017). But the position was not filled until late 2018.

In January 2019, Broome resumed its assessments and at the time of our inspection, all MAPs were up-to-date. Data showed that 86 per cent of prisoners were from the

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Kimberley, relatively close to home. However, the Kimberley is vast and complex in cultural difference. Of the 51 Aboriginal prisoners at Broome (in the west Kimberley), 27 were out-of-country (53%). Meanwhile, five of the nine Aboriginal prisoners at the work camp (east Kimberley) were also far from home (55%).

The assessment writer also completed other assessment and case management tasks, like some Individual Management Plans (IMPs), Suitability for External Activities assessments, and Parole Reports. Although she resigned mid-2019, another person was now in the job and a second was being trained.

There was no active individual case management

Broome does not have a Case Management Coordinator (CMC) so there was no active individual case management. Case management should provide integrated and coordinated services to help prisoners address their offending behaviour, and reduce the likelihood of reoffending. Sentenced prisoners serving more than six months should meet with the CMC to assess their progress, and complete an IMP. Prison officers (as case managers) meet with prisoners regularly for recorded contact meetings. For the year before the inspection, CMC duties were covered by the ASO, increasing his workload considerably. He was glad the Department had decided that regular contact reports were not essential at Broome, but clearly understood that the prison was not exempt from completing the IMP and MAP assessments. We expect to see a vast improvement in case management soon with the recruitment of the ASOS role almost complete, and CMC duties likely to fall to the position holder. We also noted that the lack of suitable space for case management support had not been addressed since we raised it in 2017 (OICS, 2017).

Education and training opportunities were limited, and unemployment was high

Broome had no education plan and no courses had been offered since Broome was annexed to West Kimberley. A Summer Refresh program was run between November 2018 and February 2019, but it included activities like karaoke and recreational art. There was no library, and the small selection of books available to the prisoners did not include legal or educational texts. Education was potentially recommencing late in 2019 or early 2020, but negotiations for resourcing this were in their infancy. Fortunately, some courses were conducted at the work camp. In 2018, 94 units were completed in:

- Certificate I Construction
- Certificate II Agriculture
- Certificate II Kitchen Operations
- Certificate II Logistics.

In 2019, the local TAFE had also run short courses in Skid Steer (bobcat), Traffic Management, and Front End Loader Operation with more short courses planned for the latter half of 2019.

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Prisoners at Broome were largely unemployed and under-employed, a fact unchanged since our last inspection (OICS, 2017). For those with a job, there was meaningful work in the kitchen, laundry, and stores. But most of the remaining prisoners were doing unit-based domestic duties, mainly cleaning or yard work. Broome's size means that unit work is completed quickly, reducing the positive impact of employment, and leading to boredom and inactivity. The prison has little capacity to expand job opportunities due to its limited infrastructure and budget constraints. Planning for a new prison will mean that capital investment will be limited to critical items, like the new kitchen. While expected, it will further erode Broome's ability to increase meaningful employment.

Limited re-entry services for remandees, but those sentenced were serviced well

In April 2018, Centacare was contracted as the new re-entry service provider for Broome and to manage the Transport Options Program (transport for sentenced prisoners returning to community upon release). Centacare replaced Men's Outreach Service (MOS), the service provider since 2004, although in the week of our inspection MOS had recommenced offering support to some prisoners under a federally-funded employment initiative.

Centacare was contracted to see each remand prisoner only once. Somewhat surprisingly, that meant if the session was used to identify their needs, there would be little or no effective follow-up. As such, the Transitional Manager (who commenced almost a year after the Centacare contract started) developed a form that set out typical causes of concern, and listed available services. Those who completed the form before their single visit were more likely to gain meaningful assistance.

Centacare was also responsible for re-entry services for sentenced prisoners at high risk of re-offending. Centacare provided information sessions once a week at Broome instead of traditional programs. The prison advised us that sentenced prisoners were serviced well. But work camp staff and prisoners said they had limited contact with Centacare and were unaware of its services. Centacare reported that from April to December 2018, Broome referred 67 prisoners, and 58 from the work camp. Referrals declined between January and June 2019 (39 from Broome, six from the work camp).

No offender treatment programs but program delivery could change to meet Broome's need

Broome does not offer offender treatment programs, which are designed to prepare prisoners for return to the community. The Department advised us that this was because Broome was a remand facility and offender treatment programs were only suitable for sentenced prisoners. This ignored the 61 per cent of prisoners who were sentenced (37 at the prison and 15 at the work camp),

If prisoners do not complete their required offender treatment programs, their opportunity to apply for parole may be missed; a fear expressed by many prisoners during the inspection. The Department advised us that in 2019, there were 11 program

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recommendations outstanding for 10 prisoners at Broome, and that two of those recommendations were so old the programs had been discontinued. Prisoners could only complete programs by transferring to another prison.

We acknowledge that, under current arrangements, scheduling offender treatment programs at Broome is difficult. Programs are booked months in advance and prisoners are not routinely booked past their earliest date of release. Data showed just eight prisoners at Broome with possible release dates in 2020. Even if the programs were booked early and all eight required the same program (which they did not), the numbers did not warrant running programs at Broome. As raised before, the Department should explore alternatives for delivering programs at regional prisons like distance learning and online participation (OICS, 2017).

2.5 SAFETY AND SECURITY

Some security functions were below average without a Security Manager

At the time of the inspection, the vacant Security Manager's role was in the process of being filled. Security Manager duties for the last year had been covered by the ASO, and while he was doing an admirable job under the conditions, some security functions were not running to their potential:

- many officers were not up to date with use of force, restraints or searching procedures training
- intelligence collection was reasonable but there was no education for officers in the collection and reporting of intelligence
- emergency management exercises were up to date and likely to comply with compulsory requirements but the Emergency Management Plan had not been updated since 2017.

There had not been any use of force incidents in the 12 months prior to the inspection. In fact, the rate of use of force incidents at Broome was approximately one a year for the past four years. Assuming reporting was accurate, staff should be congratulated on their ability to talk prisoners down instead of using force. The figures also reflected the generally passive nature of Aboriginal people from the Kimberley region.

Chapter 3

PLANNING AHEAD AND RE-ENGAGING THE COMMUNITY

Community engagement is vital to the future success of Broome and the work camp. It can provide positive outcomes and opportunities for prisoners, and lead to reducing the likelihood of reoffending. For the prison and the prisoners to reach their potential, policy and planning for the current prison needs to be developed and bedded down, and a full suite of prisoner services should be offered. A strategic custodial plan for the region should be used to frame the purpose, design, and management of the new prison.

3.1 PRISON AND COMMUNITY RELATIONS

A positive relationship with the community, but little real engagement

In the past, Broome has had very strong and positive links with the community. Following its annexation, communication and relationships with the local community ceased, much to their disappointment. Little has changed since then as Broome has put most of its energy into its core business and resuming the functions of a standalone prison. However, the Superintendent and the ASO have begun to re-establish positive connections with the courts, police, and local government.

We saw tangible enthusiasm from these agencies and the community generally. They want to resume working with the prison now and in the future as the new prison is planned and when it opens. We recognise that the current emphasis around community engagement is focussed on sending approved prisoners to the work camp. But the prison, the Shire and the community should not be sidelined during these critical years moving towards a new prison. In fact, we hope that community engagement is integral even in these early stages. The Department might consider an ideas portal to reach a wider selection of stakeholders with interests in the current and new prisons. A similar tool has just been established by the state government as a means for parties to submit ideas about ways to improve state regulation (Government of Western Australia, 2019).

Aboriginal Services Committee brought back to basics

The Aboriginal Services Committee, which had been established just prior to our 2017 inspection, had great potential to engage in partnerships with the community. It was made up of representatives from 20 organisations, including local councils, Aboriginal organisations, religious groups, non-profit organisations, health, and education agencies. However, it appeared to have suffered from a lack of leadership. The Superintendent had found that the distribution list was too high (40–50 representatives) and outside scope. So, he wound it back to internal representatives only. He said he intended to expand it again in time, and in line with departmental guidelines.

Competition for prisoners approved to work in the community

Under section 95 of the *Prisons Act 1981* prisoners can access supervised or unsupervised work outside a prison. This work and completing a sentence at a work camp are likely predictors of successful re-entry after release. However, at the time of our inspection only three prisoners at Broome were approved for external work, and they were limited to

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activities in and around the prison. One prisoner was working in the stores and the other two were doing various other jobs.

The low numbers were mainly because there was a focus on sending prisoners with section 95 approval to the work camp. In June 2019, the Department issued a directive to streamline work camp suitability assessments (DOJ, 2019b) and prisons were encouraged to increase work camp numbers. The Wyndham Work Camp can accommodate 40 prisoners but during the inspection it was operating at about a third of its capacity (15 prisoners). So, those deemed suitable were rightly being pushed there as soon as possible. But this has left few suitable prisoners for Broome to draw on for its own projects, let alone the community work that was formerly such an asset to the prison.

Work camp structure and support was lost, affecting community engagement

The work camp used to be a good example of what could be achieved in the Kimberley when structure, support, and direction were provided. However, in recent times it has lost some of its sheen and, while still successful, issues beyond its control were inhibiting growth. This could be explained, in part, by the loss of senior positions. In the past, there was a Manager Work Camps based in head office and a Work Camp Coordinator in both north and south of the state. The roles provided direction, knowledge, control, and a voice in the prisons and at head office. Losing these positions has also affected the vital connection the work camp had with the community.

The work camp used to have an active Community Advisory Committee. It was set up to drive projects; inform, advise, and provide oversight on projects which fell under the umbrella of the work camp; and to be part of the work camp's connection to community. The committee chair has changed multiple times over the last five years and subsequently suffered from a lack of leadership. As a result, committee meetings have ceased, considerably reducing the community's engagement with the work camp. These issues have been compounded by changes to work camp requirements and the security rating scoring system, coupled with growing risk aversion from some within the Department. The focus is to simply try and keep numbers up at work camps around the state.

Not enough meaningful projects for the work camp

There were a limited number of meaningful, skills-based or trade projects the work camp prisoners could engage in. Opportunities will be further limited unless a proactive approach to procuring and approving projects is taken as prisoner numbers increase. And, while beautification projects like clean-ups, rubbish runs and weeding are important to the community, responsibility falls to the Department to better skill prisoners for their transition back into the community. Some certificates and short courses had been undertaken and prisoners voiced their appreciation for these. However, more intensive courses that can help with post-release employment are required.

In the past, prisoners have done fencing courses at nearby stations and learnt jackaroo skills, which have led into post-release work. Similarly, prior to the inspection, prisoners

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were working with an Aboriginal owned and operated business that was contracted to build and resurface roads in the Kimberley. Several prisoners were then employed upon release. Company representatives explained that they were very keen to take the next step in helping rehabilitate and reintegrate prisoners by becoming an employment service for prisoners upon release. This should be explored further.

3.2 PRISON MANAGEMENT AND POLICY

No strategic or business plans were in place

Given Broome's future was unknown for so long, it was unsurprising that at the time of the inspection it had no strategic plan, business plan, risk management plan, or sustainability plan. Fortunately, we heard new risk profile documents were being developed in conjunction with the Department's Professional Standards Division. We were also advised that a new business plan will be developed for implementation in the new financial year, coinciding with the establishment of the new management structure. We will monitor this closely as these plans are critical to determine an operating philosophy and operational objectives that all staff can work towards.

As well as Broome having no plans in place, the Department does not have a current custodial plan for the Kimberley. The last strategic plan for the vast Kimberley region was in 2005, but it was set aside following the decision to open West Kimberley and close Broome. And now, funds have been committed to plan for a new prison in Broome. The development of a strategic custodial plan for the Kimberley would enable a clear vision and purpose for the new prison, and create a template for addressing the myriad custodial issues in the east and west Kimberley.

3.3 RESUMING A FULL SUITE OF SERVICES

Between now and when the new prison opens in five or more years, Broome needs to resume offering the prisoners placed there a full suite of meaningful and engaging services. We acknowledge the infrastructure is limited. Likewise, we accept that the cohort of largely remand and/or relatively short term minimum-security sentenced prisoners limits prison operations. However, this does not mean that Broome cannot offer a productive regime of suitable short courses in programs, education, and community work which could turn it into a high performing and successful facility that prepares prisoners for release. The regime could consist of:

- basic numeracy and literacy education, including rolling short term courses
- general and trade skills building courses such as first aid and white card certification
- personal development programs addressing issues such as alcohol and substance addiction, domestic violence, and health and wellbeing
- community work partnerships.

As stated above, our discussions with several community groups during our inspection identified multiple opportunities worth exploring. And an overwhelmingly positive

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willingness to engage, and in some cases, re-engage with the prison. All it needs is innovation, leadership and commitment from the Department and the prison.

Recommendation 7

Offer a full suite of meaningful and engaging services to all prisoners at Broome.

3.4 PLAN FOR THE NEW PRISON

In May 2019, the state government announced funding to plan for a new prison in Broome. When we inspected in July 2019, the purpose or ethos of the new prison was unclear to us and everyone we spoke with. However, we heard that some criteria had been established in the move to identify potential sites. The most concrete was that the location needed to be within 15 minutes from the centre of Broome and the current site. This would still allow reasonable and ready access to families, the courts and other essential and wrap around services. But we also hope that evidence informs the planning and designing of the new facility, and that other custodial needs are addressed. Particularly, the extra support required for remand prisoners, the distinct services needed for women in custody, and the growing desire to keep young offenders from the Kimberley in country.

Services for remand prisoners were substandard

At the time of the inspection about 40 per cent of prisoners at Broome were on remand. Until assessed otherwise, remand prisoners are assumed to be maximum-security. This means they are placed either in the MSS or the women's unit accordingly. General services across the prison were limited, but more so in those units, as prisoners remained within the unit confines (except when attending the medical centre).

Remand prisoners generally require more support than those who are sentenced. Typically, they arrive at a prison uncertain and anxious. They may have high health needs, often aggravated by the effects of substance abuse. As such, prison staff should determine remand prisoners' service needs and risks, ensuring they understand the prison routine. But remand prisoners told us that they were confused about prison procedure. Some had not been given the orientation booklet and others could not read it, relying on help from other prisoners. Staff should also assist prisoners preparing for future court hearings. This was difficult with few legal texts available, and no access to the lone computer containing legal material. Planning a new prison that is likely to have similarly high numbers of remandees needs to account for these issues.

Female prisoners were isolated with no constructive activity to pass the time

Women at Broome were typically there for short stays to attend court or for social visits, and there were usually very small numbers of women in the prison at any one time. This meant that, by its very nature, the female unit was isolating. This was compounded by the

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absence of activities and services in the prison generally, and the women's restriction to their unit. Other small things also magnified the lack of services for women such as the absence of canteen items that were considered exclusively feminine products. Women had to access items especially for them through town spends.

We saw no evidence that the prison had sought to reduce the isolation as it had not invested in services or resources specifically for women. There was no Women's Support Officer nor instructors or tutors guiding constructive activity for the women to pass their time in custody. And access to female officers was also sometimes difficult due to the staffing make-up of the prison and the few officers working each shift. Addressing the women's isolation and the ignorance of their specific needs should be prioritised by the prison now, and in the planning and design of the new prison.

Custodial planning for Kimberley young people

All the stakeholders in Broome, Kununurra and Wyndham that spoke to us during this inspection raised the issue of youth offending in the Kimberley. They were particularly concerned about the need to keep young people in country when diversionary options had failed. When there are no opportunities for bail and a young person is remanded into custody or sentenced to detention, the state's only choice is to send young people to Banksia Hill Detention Centre (Banksia Hill) in Perth. At the time of our inspection there were 111 young people placed there; 11 were from the Kimberley region (9%).

The number of young people in custody in Western Australia has dropped dramatically since 2013. And more recently, with the establishment of the Kimberley Youth Justice Strategy, there has been a focus on increasing alternative and diversionary options for young people in the region (DOJ, 2019c). This is positive. But for the foreseeable future, custodial options are required as a last resort. Sending young people to Perth can be traumatising and costly. And as many stakeholders advised, ineffectual at reducing reoffending. Part five of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) requires adults and young people to be held in separate custodial facilities or in separate parts of an institution when it accommodates both groups. Our inspection standards acknowledge a shared custodial facility for adults and young people may be necessary as part of a bigger custodial complex where

...there is a separate and clearly defined entry for the juvenile unit or facility, separate staff and autonomous management, and separation of all reception, accommodation, and activity areas (OICS, 2010, p. 13).

A good strategic plan for the Kimberley should include custodial options for young people to keep them in country, in contact with family, and in contact with essential services and community organisations. It will also inevitably reduce costs. When the inspection team was returning to Perth, members observed two young people aged 13 and 15 being transferred to Banksia Hill from Broome. They were bailed in Perth the following day. This cost almost \$9,000.

3.5 TRANSPORT

Some transport arrangements may be inefficient

Largely, transport for prisoners in Western Australia is covered by contractual arrangement with Broadspectrum (Australia), although some services can be facilitated by individual facilities. But the current contract has a flaw. It covers various transport needs for Broome including escorts to medical appointments and emergencies, court and funeral attendances, and inter-prison transfers such as those between Broome and West Kimberley. However, West Kimberley is only covered for inter-prison transfers. This means that other transportation to or from West Kimberley that cannot be covered by the service provider must be conducted by West Kimberley staff.

We think this is potentially inefficient and costly. In the initial draft of this report we had a recommendation to amend the Court Security and Custodial Services Contract to enhance the transport of prisoners in the Kimberley region. However, based on feedback from the Department we have deleted the recommendation. But this is an issue we will explore further in our upcoming inspection of West Kimberley.

Appendix 1

TABLE OF ABBREVIATIONS

ACC	Adult Community Corrections
ASO	Assistant Superintendent Operations
ASOS	Assistant Superintendent Offender Services
AVS	Aboriginal Visitors Scheme
CMC	Case Management Coordinator
FTE	Full time equivalent
IMP	Individual Management Plan
MAP	Management and Placement assessment
MOS	Men's Outreach Service
MSS	Maximum-security section
NAIDOC	National Aborigines and Islanders Day Observance Committee
PSO	Prison Support Officer
TAFE	Technical and Further Education

Appendix 2

BIBLIOGRAPHY

- AIHW. (2011). *Australian Burden of Disease Study: Impact and causes of illness and death in Aboriginal and Torres Strait Islander people 2011*. Canberra: Australian Institute of Health and Welfare.
- AIHW. (2019, August 27). *Diabetes snapshot*. Retrieved from Australian Institute of Health and Welfare: <https://www.aihw.gov.au/reports/diabetes/diabetes-snapshot>
- AIHW. (2019). *Family, domestic and sexual violence in Australia: continuing the national story*. Canberra: Australian Institute of Health and Welfare.
- Burns, A. (2001, July 7). \$50m to replace WA's worst jail. *The West Australian*. Perth: The West Australian.
- Cowper, M. (2012, August 22). Broome prison to remain open for three years. *Media Release*. Perth, Western Australia: Government of Western Australia.
- Day, A., Chung, D., O'Leary, P., Justo, D., Moore, S., Carson, E., & Gerace, A. (2010, December). Integrated responses to domestic violence: Legally mandated intervention programs for male perpetrators. *Trends and issues in crime and criminal justice No. 404*. Canberra: Australian Institute of Criminology.
- Department of Health. (2015). *Australian National Diabetes Strategy 2016-2020*. Canberra: Australian Government.
- DOJ. (2019a, July 22). Operational Policy and Procedures Chart: Prison. Perth: Department of Justice.
- DOJ. (2019b). *Prisons Order - No 04/2019 Work camps eligibility*. Perth: Department of Justice.
- DOJ. (2019c). *Kimberley Juvenile Justice Strategy*. Perth: Department of Justice.
- Francis, J. (2015, June 11). Hansard Extract from Assembly Estimates Committee A. 29b - 38a. Perth.
- Government of Western Australia. (2019). *Fact Sheet: Streamline WA - Making it easier to do business*. Perth: Streamline WA Secretariat.
- Logan, F. & Wyatt, B. (2019, May 9). Planning to begin on new prison for Broome. *Media Release*. Perth, Western Australia: Government of Western Australia.
- NDSAG. (2015). *A Strategic Framework for Action - Advice to Government on the Development of the Australian National Diabetes Strategy 2016-2020*. Canberra: National Diabetes Strategy Advisory Group.
- OICS. (2002). *Report of an Announced Inspection of Broome Regional Prison, Report No. 6*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2010). *Code of Inspection Standards for Young People in Detention*. Perth: Office of the Inspector of Custodial Services.

BIBLIOGRAPHY

- OICS. (2012). *Report of an Announced Inspection of Broome Regional Prison, Report No. 77*. Perth: Office of the Inspection of Custodial Services.
- OICS. (2015). *Report of an Announced Inspection of West Kimberley and Broome Regional Prisons, Report No. 96*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2017). *2017 Inspection of Broome Regional Prison, Report No. 112*. Perth: Office of the Inspector of Custodial Services.
- Philips, J., & Vandenbroek, P. (2014). *Domestic, family and sexual violence in Australia: an overview of the issues - Research Paper Series 2014-15*. Canberra: Parliament of Australia - Department of Parliamentary Services.
- Quirk, M. (2007, April 24). Minister announces new prison for West Kimberley. *Media Release*. Perth, Western Australia: Government of Western Australia.
- Vicker, E. (2019). *Inquest into the death of Khamsani Victor JACKAMARRA (also known as Hajinoor)*. Perth: Coroner's Court of Western Australia.

Appendix 3

DEPARTMENT OF JUSTICE RESPONSE



Response to the Announced Inspection: Broome Regional Prison 2019

November 2019

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DEPARTMENT OF JUSTICE RESPONSE

Response to the Announced Inspection:
Broome Regional Prison 2019

The Department of Justice welcomes the draft report of the inspection of Broome Regional Prison.

The Department has reviewed the report and noted a level of acceptance against the eight recommendations.

Appendix A contains comments for your attention and consideration.

DEPARTMENT OF JUSTICE RESPONSE

Response to the Announced Inspection:
Broome Regional Prison 2019

Response to Recommendations

1 Do not accommodate men and women in the same unit.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Business Area: Adult Male Prisons
Proposed Completion Date: N/A

Response:

Whilst it is preferred that male and female prisoners are never housed in the same unit, this is not always possible during periods of population pressure due to the limited bed-space available at Broome Regional Prison (Broome).

Processes and procedures are in place for managing both prisoner cohorts on the few occasions when they are held in the same unit at the same time to ensure they do not come in contact with each other or are not interacting freely with one another.

2 Implement a short-term solution to address the mould and associated occupational health and safety risks in the administration buildings.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Business Area: Adult Male Prisons
Proposed Completion Date: N/A

Response:

An inspection of mould affected areas has recently been completed at Broome. The inspection found no visible traces of mould remaining. Mould growth will continue to be monitored, particularly during periods of heavy rain and high humidity such as the wet season.

3 Streamline recruitment processes so vacancies can be filled in a timely manner.

Level of Acceptance: Supported
Responsible Division: Corporate Services
Responsible Business Area: Human Resources
Proposed Completion Date: 30 June 2020

Response:

Delays in recruitment processes were identified in early 2019. Recent changes to the recruitment and screening teams and processes have been implemented and improvements in the recruitment times and filling of vacancies across the Department are progressing.

Response to the Announced Inspection:
Broome Regional Prison 2019

4 Provide regular region-specific cultural awareness training at all prisons.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Business Area: Operational Support
Proposed Completion Date: 30 June 2020

Response:

Corrective Services already has multiple training available that promote and reinforce the importance of recognising and embracing cultural diversity. These options are available to Broome through the Justice Education Management System and include:

- Sharing Culture – Aboriginal and Torres Strait Islander People (Certificate on completion);
- Diverse WA Cultural Competency Training; and
- Share Our Pride – Reconciliation Australia.

The Corrective Services Training Academy will ensure that Broome has accessed the contemporary online training options available and will assist Broome to determine the most suitable programs from the available options to meet the needs of the local staff group.

5 Implement a full support service to meet the needs of Aboriginal prisoners.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Business Area: Community Corrections, Health and Offender Management
Proposed Completion Date: 30 June 2020

Response:

Prison Support Services does not have a position at Broome for a PSO, therefore the Aboriginal Visitors Scheme (AVS) roster has been increased to service Broome five days per week. Corrective Services is currently conducting a review of Prison Support Services, including AVS, which will identify gaps and opportunities for improved service delivery.

6 Fill the vacant 0.5 FTE comorbidity nurse position.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Business Area: Community Corrections, Health and Offender Management
Proposed Completion Date: 30 June 2020

Response:

The co-morbidity nurse position is currently filled with a clinical nurse until 31 January 2020. Following this, the position will be re-advertised for permanent filling.

DEPARTMENT OF JUSTICE RESPONSE

Response to the Announced Inspection:
Broome Regional Prison 2019

7 Offer a full suite of meaningful and engaging services to all prisoners at Broome.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Business Area: Community Corrections, Health and Offender Management
Proposed Completion Date: 31 December 2020

Response:

Services to prisoners at Broome in the areas of education, employment, reintegration, and offender programs will be assessed with a view to improve the services provided in the best way possible.

8 Amend the Court Security and Custodial Services Contract to enhance the transport of prisoners in the Kimberley region.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Business Area: Operational Support
Proposed Completion Date: N/A

Response:

BroadSpectrum only provides inter-facility transfers between prison facilities in the Kimberley region. West Kimberley Regional Prison facilitates their own prisoner movements which are not provided under the BroadSpectrum contract. The demand for escorts outside of the inter-facility transfers is not high enough to warrant a variation to the CS&CS contract.

Appendix 4

METHODOLOGY

Previous inspection

28–31 March 2017

Activity since previous inspection

Liaison visits to Broome Regional Prison	5
Liaison visits to Wyndham Work Camp	1
Independent Visitor visits	13

Surveys

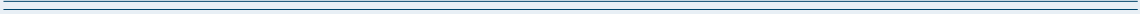
Prisoner survey	12 June 2019	26 responses (48%)
Staff survey (online)	28 May–17 June 2019	37 responses (73%)

Inspection team

Eamon Ryan	Inspector
Darian Ferguson	Deputy Inspector
Jim Bryden	Inspections and Research Officer
Christine Wyatt	Inspections and Research Officer
Charles Staples	Inspections and Research Officer
Natasha Erlandson	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer

Key dates

Inspection announced	18 March 2019
Start of on-site inspection	21 July 2019
Completion of on-site inspection	25 July 2019
Presentation of preliminary findings	6 August 2019
Draft report sent to Department of Justice	4 November 2019
Declaration of prepared report	14 January 2020



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



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