



OFFICE OF THE INSPECTOR  
OF CUSTODIAL SERVICES

2020 INSPECTION OF WEST KIMBERLEY  
REGIONAL PRISON

133

JANUARY 2021

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## 2020 Inspection of West Kimberley Regional Prison

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# Inspector's Overview

## WEST KIMBERLEY REGIONAL PRISON'S SUCCESS HINGES ON A RETURN TO ITS ORIGINAL DESIGN AND OPERATING PHILOSOPHY

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Our 2020 inspection of the West Kimberley Regional Prison (WKRП), originally scheduled to commence at the end of March 2020, was interrupted by the global COVID-19 pandemic. Following escalation of the State Government's COVID-19 response, including the declaration of a state of emergency and the implementation of regional travel restrictions, we decided to suspend the on-site component of the inspection. We were, however, able to undertake many aspects of the planned inspection using tele-conferencing and video-conferencing with staff and small groups of prisoners.

In September 2020 we were able to undertake a site visit and I have included some brief notes on that visit at the end of this Overview.

Throughout this report we refer to the original design and operating philosophy for WKRП. This was centred on five principles designed to promote and facilitate Aboriginal wellness, including harmony between physical, emotional, spiritual and cultural components of the individual and the community. The unique infrastructure was designed around this with the four units grouped into an open campus style, with self-catering houses, rather than traditional unit-based accommodation. Only the maximum-security Unit 3 had meals prepared in the central kitchen. The only internal barrier fences were around Unit 3 and the Women's Unit (Unit 4).

We have always strongly supported and advocated for implementation of the original design and operating philosophy at WKRП and we had been concerned that the philosophy had eroded in previous years. But we were encouraged by what we were told by the prison leadership about steps being taken to return to that operating philosophy.

At the time of our inspection just under 30 per cent of Kimberley prisoners (both men and women) were recorded as being held outside of the region. This was a notable improvement from our previous inspection in 2017 where that number was closer to 50 per cent. This improvement is consistent with the intent of the operating philosophy of having Kimberley men and women located at WKRП and developing their independent living skills and self-determination. These efforts need sustained local focus and system level resourcing and support.

Women at WKRП make up a small but very important part of the prison population. The number of women held at WKRП generally fluctuates between 30 and 40. Currently, a number of these are foreign national women who are located there because they don't receive in-person visits.

At a system level, many women in regional prisons are overlooked for services and marginalised due to their low numbers. The women at WKRП were no different in that regard. At the time of our inspection we identified limited opportunities for work, education, recreation and programs.

A good example of this systemic marginalisation is found in the Department's response to Recommendation 6 which relates to developing and delivering culturally appropriate offender treatment programs for men and women at WKRП. The response indicated

## WEST KIMBERLEY REGIONAL PRISON'S SUCCESS HINGES ON A RETURN TO ITS ORIGINAL DESIGN AND OPERATING PHILOSOPHY

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support for the recommendation and listed programs being delivered for men. It went on to note that the Department supported delivery of programs to women at WKRP, but there were insufficient numbers of women assessed with similar program needs to justify delivery. This appears to accept that the current cohort of women at WKRP are unlikely to have their identified criminogenic program needs addressed. One obvious consequence of this is that they are placed at an increased risk of having their parole denied for unmet treatment needs. This is unacceptable and discriminates against women who are entitled to have their identified program needs met in the same way as men are. The absence of a critical mass of suitably assessed women is an unfair basis on which to simply ignore the obligation to provide required programs.

We were pleased to see support for, and some positive steps towards, implementing Recommendations 1 and 2 around providing an Aboriginal Visitor Scheme and Elders program, and developing specific cultural awareness training for staff at WKRP. When these are fully implemented, they will both be positive steps towards embracing the original operational philosophy of WKRP.

In early September we travelled to Derby and spent some time in WKRP. We met with the acting Superintendent and members of the senior management team. We inspected the facilities and met with staff and prisoners. We were informed about changes that had been implemented since the time of our inspection, some of which had been identified in our draft report sent to the Department for comment. We heard of ongoing difficulties in attracting and retaining staff to work across most areas of the prison, particularly health, education and industries. This appears to be an issue facing many employers in the region as it was mentioned as a challenge when we met with the CEO of Centacare, the prison re-entry service provider.

The acting Superintendent also told us that she had put forward a business case to improve infrastructure barriers around Units 3 and 4 following a security incident earlier in the year.

What we observed during our brief visit was encouraging but we will continue to maintain a strong presence in WKRP via our ongoing liaison with the prison.

### ACKNOWLEDGMENTS

The decision not to undertake a site-visit, together with internal arrangements to deal with the COVID-19 response phase, resulted in the process of drafting and finalising this report taking longer than planned and has led to a delay of several months in its publication.

I want to acknowledge the support and cooperation we received throughout the inspection from the Superintendent and staff at WKRP and from key personnel in the Department. Their willingness to accommodate our decision to suspend the on-site component of our inspection and to reschedule planned meetings was very much appreciated by the inspection team. The men and women who spoke with us via video conference to share their perspective also deserve our acknowledgment and thanks.

## WEST KIMBERLEY REGIONAL PRISON'S SUCCESS HINGES ON A RETURN TO ITS ORIGINAL DESIGN AND OPERATING PHILOSOPHY

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Finally, I would also like to thank the members of the inspection team for their expertise and hard work throughout the inspection, particularly given that the changes in the approach had a significant impact on their planned work schedules and they adapted very well. I would particularly acknowledge Matt Boyd for his work in planning the inspection and Charlie Staples for his work as principal drafter of this report.

Eamon Ryan  
Inspector

20 January 2021

## EXECUTIVE SUMMARY

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This, the third inspection of West Kimberley Regional Prison (WGRP), was scheduled to occur between 28 March and 2 April 2020. Routine planning had commenced the previous November, but in mid-March 2020 the Western Australian government had declared a state of emergency in response to the international novel corona virus (COVID-19) pandemic.

To avoid the risk of COVID-19 infection, the Inspector decided the WGRP Inspection would proceed, but OICS staff would not travel to Derby. The inspection was conducted remotely. Interviews with individual staff at the prison were by telephone. We 'met' with two groups of prisoners using newly-installed E-visits video-conference hardware. Those conversations gave us a reasonable understanding of the status of the prison, and the issues it faced.

What we missed were the large focus group meetings with groups of staff and prisoners, which provide valuable insight and context for our inspections. We also lost the capacity to physically examine the prison to triangulate our assessments, and directly observe prison operations and procedures.

When WGRP opened in 2012, it was noted for its unique philosophy, which guided all services and operations. Over the years, that philosophy had been slowly eroded. As the prisoner population increased it had become difficult to maintain community-style independent living. There had been no commensurate increase in resources to provide education, employment and life skills training.

At the local level, there was a strong desire to protect and restore the WGRP philosophy. The Superintendent and senior management team had clear priorities for the prison. They included increasing local (and particularly Aboriginal) staff recruitment, and increasing constructive activity for prisoners. They would be given skills and training that would benefit their community on release. However, the ability to achieve these goals was restricted by budget and resourcing limitations.

In its architectural design and operational philosophy, WGRP recognised the importance of providing custodial services appropriate for Kimberley Aboriginal prisoners. That began with identifying those prisoners elsewhere in the prison system and bringing them back to serve time 'in country'. In 2020, a higher proportion of those prisoners were back in the Kimberley.

Aboriginal staff numbers had increased from 12 in 2017 to 16, four of whom were local Aboriginal women. However, with its high Aboriginal prisoner population, WGRP should have more Aboriginal staff.

Unfortunately, crowding threatened the self-care model, which was central to the WGRP philosophy of promoting self-determination, self-management, and personal responsibility. Cells were double-bunked. Despite the pressure of increased population, the prison had just one Life Skills Officer (LSO), an important position to support self-care. A second LSO position at WGRP was warranted.

## EXECUTIVE SUMMARY

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It was positive that the Assistant Superintendent Offender Services position had been reinstated, as that was likely to improve service delivery to all prisoners, but unfortunately the prison had struggled to secure community cultural support. A sustained Elders Program had not been established, and the Aboriginal Visitors Scheme did not have a presence, despite the prevalence of suicide across the Kimberley. We also found that Kimberley-specific cultural awareness staff training had not been delivered at WKRP since the last inspection.

Prisoner transport and reception procedures were thorough and efficient. Scheduled prisoner movements between Broome Regional Prison and WKRP were undertaken by the contractor Broadspectrum on Thursdays and Fridays. WKRP provided all local transport to medical appointments and funerals.

We were told that the orientation process had not been consistent, but was under review. The orientation week began with assessments and explanations on Monday, followed several days later by a PowerPoint presentation and an assessment by Education staff. Peer support prisoners were not involved in the orientation process. Female prisoners told us they simply oriented themselves.

In April 2020, WKRP had responded positively to the developing COVID-19 pandemic. We were told that the Superintendent had kept staff and prisoners informed about the virus, and the prison had developed a COVID-19 management plan. The supply of personal protective equipment at Reception was adequate. Twelve prisoners had been employed in a 'COVID-19' cleaning party. In-person social visits were cancelled, as were community work projects in the Derby township.

Medical centre staffing and health services were generally sound, but at the time of our inspection the clinical nurse manager position was vacant. In their 2020 survey, prisoners suggested that health services and mental health services were well above state average. Dental services, by contrast, had been inconsistent, despite WKRP having a well-equipped dental suite. Prisoners and staff hoped that a recent change to the dental contract would bring improvement.

The 2020 prisoner survey suggested falling standards across several areas. The rating of quality of life, positive opinion of unit accommodation, and personal safety at WKRP had all fallen, but were still above state average. Prisoner opinion of food quality and quantity, and of clothing and bedding had also fallen. Approval of the gym, at 16 per cent, was very low. Only a quarter of prisoners responding thought the amount of organised sport was good. Slightly more were satisfied with access to other recreation. In April 2020, COVID-19 restrictions meant all football, basketball and volleyball games had been cancelled. Prisoners were disappointed.

In previous inspections we saw male and female prisoners engaging in pro-social and appropriately supervised activities. In 2020, staff and prisoners told us that even those few opportunities had been eroded.



## EXECUTIVE SUMMARY

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In 2017, therapeutic programs delivered at WKRP had been developed and validated on groups quite unlike Kimberley Aboriginal prisoners, and not surprisingly many were unsuitable for local people. Only four of these programs ran in the 18 months to June 2020, and none were for female prisoners.

In 2020, the WKRP education centre had five full-time positions, but two were vacant, and one of the three casual tutors had quit. The Campus Manager was planning more involvement in the orientation process. He hoped that might help incoming prisoners access basic literacy and numeracy classes, gain life skills through practical activities, and develop pathways to employment. With strong enrolments and completion numbers, both Certificate 1 in Entry to General Education, and in General Education for Adults were clearly appropriate for Kimberley students. Unfortunately, female prisoners were only given the option of weekly classes in Art and Horticulture.

We have previously stated our view that 'unit work' (comprising short cleaning jobs within units) is a form of under-employment. Early in 2020, staff and prisoner surveys called for improvement. Only 26 per cent of staff thought there was meaningful employment for prisoners. Only 53 per cent of prisoners felt their time was usefully spent, down from 67 per cent in 2017. Evidence on TOMS, the Department's database, supported those views. Forty-six per cent of prisoners were either unemployed, or under-employed. Women were only working inside Unit 4.

The prison's pre-release activities took account of Kimberley issues. The Transitional Manager identified prisoners with six months to parole eligibility or release and helped them with identification and other documents, liaison with government agencies, and plans for returning home after release. She also offered a referral to Centacare, the contracted re-entry service provider.

Centacare had run the Kimberley Employment Leadership Program at WKRP in 2019, but not its Parenting Program, for lack of trained staff. Centacare also came on site weekly for meetings with prisoner clients to arrange transport home if required, and accommodation after release. Both were made difficult by distance and limited community infrastructure.

WKRP endures sub-tropical extremes of climate, with that comes risks of fire, flood and cyclone. These are in addition to the ordinary risks faced by prisons elsewhere in the State. The Department's 2019 Review had found WKRP compliant with requirements for emergency management planning. That review also found perimeter security, gatehouse operations, and vehicle security acceptable. Four areas needed some improvement: tools and equipment; personal duress system; searching and detection of contraband; and internal security systems. Just one area, the cell call system, had required immediate remedial action. In 2020, we were told that those areas of concern had been addressed.

## EXECUTIVE SUMMARY

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Prison infrastructure had suffered in the harsh Kimberley environment. Facility maintenance continued to be a major problem. The initial building specifications may have been inadequate, or perhaps Kimberley infrastructure always has higher maintenance costs. Either way, the Department should ensure that lessons learned from the WKRP build are applied to the design of the proposed new prison in Broome.

Custodial staffing levels were adequate, but retention was a problem, with 40 officers on the transfer out list, and fewer than 10 wanting to transfer in. For many officers who transferred to WKRP from Perth or other regions, the isolation of living in Derby was challenging.

Previous Inspections described WKRP as an open-campus design, with an effective maximum-security perimeter. The main fence substituted a cowl for the razor wire seen at some other sites. Behind that, a sterile area was protected by electronic detection systems. An internal security fence was energised to a high voltage. We were told that funding had been secured for an energised fence around Unit 3, but it was not yet in place. Some staff raised security of the women's unit as a topic of concern. Until the Unit 3 fence upgrade is completed, WKRP must ensure the safety of women through effective barrier security. Lessons learned from the Greenough incident should be heeded.

## FACT PAGE

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### NAME OF FACILITY

West Kimberley Regional Prison (WKRP)

### ROLE OF FACILITY

WKRP was built to be the main facility for the Kimberley region. It can hold remand and sentenced men and women of all security levels. The prison's ethos was to: have an innovative Aboriginal focus; hold Kimberley prisoners in country; develop their independent living skills and self-determination; and reduce the likelihood of them returning to custody.

### LOCATION

WKRP is located 2,380 kilometres from Perth and seven kilometres south of Derby.

### BRIEF HISTORY

WKRP was opened on 1 November 2012. It administered Broome Regional Prison until September 2016, when Broome Regional Prison regained the status of a separate facility.

### CAPACITY

WKRP was originally designed to house 150 prisoners, 120 males and 30 females.

At the time of the inspection the capacity had increased to 223 prisoners, 183 males and 40 females. There were eight additional multi-purpose and crisis-care cells.

### INSPECTION DATES

06 April – 07 May 2020

### NUMBER OF PRISONERS HELD AT TIME OF INSPECTION

209

### DESCRIPTION OF RESIDENTIAL UNITS

Unit 1 Eight self-catering houses for minimum- to medium-security males.

House configuration: two x 10 beds and six x 11 beds. Total 86 beds.

Unit 2 Six self-catering houses for minimum- to medium security males.

House configuration: six x 11 beds. Total 66 beds.

Unit 3 Three non-self-catering houses in an enclosed precinct. An orientation unit for males of all security levels, and a placement option for maximum-security males.

House configuration: two x 10 beds and one x 11 beds. Total 31 beds.

Unit 4 Five self-catering houses in an enclosed and screened precinct for women of all security levels.

House configuration: five x eight beds. Total 40 beds.

## RECOMMENDATIONS

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### RECOMMENDATION 1

The Department and WKRP should take urgent steps to engage AVS and local community Elders to support Kimberley prisoners.

### RECOMMENDATION 2

Culturally appropriate training at WKRP should equip all staff to comprehensively support Kimberley Aboriginal prisoners.

### RECOMMENDATION 3

Improve the Orientation process to ensure that every prisoner receives a comprehensive orientation to the prison.

### RECOMMENDATION 4

WKRP should have a second Life Skills Officer position to support self-care.

### RECOMMENDATION 5

Subject to risk assessments and supervision, provide better opportunities for male and female prisoners at WKRP to mix, including opportunities for friends and families to grieve together.

### RECOMMENDATION 6

Develop and deliver culturally appropriate offender treatment programs for men and women at WKRP.

### RECOMMENDATION 7

Industries at WKRP should be developed to support more employment.

### RECOMMENDATION 8

Increase life skills support and opportunities for external employment for the women.

### RECOMMENDATION 9

WKRP needs better Departmental oversight of the Kimberley re-entry service provider contract.

### RECOMMENDATION 10

Ensure that lessons learned from the WKRP build are considered in the planning of a new Broome prison.

# Chapter 1

## INTRODUCTION

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### 1.1 BACKGROUND

#### **Kimberley prisoners had long been neglected**

After a critical report by Amnesty International, the old Wyndham Regional Prison closed in 1993, leaving Broome Regional Prison (BRP), with a design capacity of just 66, as the only option for holding Kimberley prisoners in or close to country. Eight years later, the Bungarun Work Camp opened near Derby, and a year after that the first Wyndham Work Camp opened, each with a capacity of 20 male prisoners. Both work camps closed in 2011. Consequently, custodial options for Kimberley prisoners were very limited.

In 2000, the state government announced funding for a 200-bed prison in the Kimberley. A Kimberley Aboriginal Reference Group (KARG) was established, and after consultation with communities across the region, KARG delivered reports in 2005 and 2006. They recommended BRP be closed, and two prisons be built, one at Wyndham and one at Derby.

The 2007/8 state budget included funding for one new, purpose-built 40-bed work camp at Wyndham, and one 120-bed prison at Derby. The new Wyndham Work Camp was opened in 2011, and the West Kimberley Regional Prison (WKRP) opened in November 2012. At the time of writing, BRP was still open and in May 2019, the state government announced funding to plan for a new prison in Broome.

#### **The new prison was guided by a Kimberley-centric philosophy**

To its credit, the Department of Corrective Services accepted many of the KARG recommendations for the design and operation of the new prison at Derby. It was underpinned by five philosophical principles:

1. Custodial proximity to land and family – new custodial facilities must guarantee the location of Aboriginal prisoners close to their land and family.
2. Cultural responsibilities – traditional law and cultural obligations must be recognised and respected, and prisoners must be supported in maintaining and fulfilling their cultural obligations and responsibilities.
3. Spiritual relationship to land, sea and waterways – the deep cultural and spiritual connection to country of Aboriginal people must be recognised.
4. Kinship and family responsibilities – familial responsibilities are central in Aboriginal society and recognising and accepting this is critical to the wellbeing of the community and its people; customary protocols that link kinship ties with reciprocal obligations must be acknowledged.
5. Community responsibilities – the broader Aboriginal community also has responsibilities in addressing issues faced by Aboriginal people, including prisoners, and should assist them returning to their communities.

## INTRODUCTION

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WGRP was designed to promote and facilitate Aboriginal wellness, including harmony between physical, emotional, spiritual and cultural components of the individual and the community as a whole. The prison's ethos was to have an innovative Aboriginal focus. The unique prison architecture suited Kimberley prisoners. It was intended that they could stay in country near family, and uphold cultural and kinship responsibilities. Prisoners would live in community-style share households, doing their own cooking, cleaning, and laundry. The goal was to develop prisoners' independent living skills and self-determination, to improve their chances of not returning to custody.

### 1.2 PREVIOUS INSPECTIONS OF WGRP

In the first inspection report in 2014, the then Inspector of Custodial Services (the Inspector) described the basic design of the prison as outstanding, with quality buildings appropriate to the region, set in a natural bush environment. He said that WGRP provided 'an excellent balance of safety, security and purposeful activity' (OICS, 2017, p. iv).

Male prisoners had single cells in three groups of self-contained cottages, with women separated from the rest of the prison in their own Unit.

The Inspector noted a sense of stability, calm and mutual respect, based on positive prisoner/staff relations and good prison leadership. The prison's ethos was evident but the Inspector did warn that increasing the prisoner population could threaten those early successes.

Three years later, under pressure from crowding across the system, the prison population had risen from 150 to over 200. The Inspector found 47 men sleeping on mattresses on the floor. Up to 11 men were in cottages designed for seven. Crowding, staff shortages and the lack of a life-skills officer were threatening the self-care/self-catering model (OICS, 2017, p. iv).

At that time, a lack of custodial staff and Vocational Support Officers (VSOs) was eroding the prison's capacity to provide enough meaningful employment. Education, training, and even recreation were similarly threatened. There were fewer opportunities to provide supervised interaction between male and female prisoners, once a positive feature of the prison.

Also concerning was the prisoner view that staff understanding of and respect for Kimberley Aboriginal culture had fallen since 2014. Even the Aboriginal Visitor Scheme (AVS) was failing. We recommended the prison work to better meet the cultural needs of the majority Aboriginal prisoner population, and that KARG's five philosophical principles should be re-visited.

## INTRODUCTION

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### Planning for the 2020 Inspection was routine

Planning for this inspection began in November 2019, with formal announcement letters sent to the Director General of the Department of Justice (the Department), and the Commissioner, Corrective Services (the Commissioner). In early January, the Department sent us extensive documentation detailing policy, operational procedure and service provision outcomes.

We travelled to Derby in the third week of January to give prisoners the opportunity to complete a pre-inspection survey, which asked their opinion of the services available to them. Staff were invited to take their survey on-line.

While in Derby, we also convened a meeting with staff from external agencies that provide services to the prison. Agencies represented included North Regional Technical and Further Education (NRT), the Derby Aboriginal Health Service, Mowanjum Driving Academy, Kimberley Mental Health and Drug Services, Anglicare, the Derby Radio Station, and the two contracted pre- and post-release re-entry service providers, Centacare Kimberley and Nirrumbuk Environmental Health and Services.

The on-site inspection was scheduled to occur between 28 March and 2 April. The inspection plan included meetings with individual members of the WKRP senior management team and key staff, focus group meetings with discrete staff cohorts (custodial officers, senior officers, VSOs, female staff, educators, and other support staff), and meetings with groups of prisoners (the peer support prisoner team, house coaches, female prisoners, foreign nationals, and Aboriginal prisoners from remote communities). Other planned inspection activities included less-structured observation of prison operations and procedure, and spontaneous talk with prisoners over the six days, at work, in accommodation units, and at recreation.

### 1.3 THE COVID-19 PANDEMIC

#### The Western Australian response to COVID-19 escalated rapidly

COVID-19 was first identified in the later part of 2019. Towards the end of February 2020, the Federal Government had activated its emergency response plan.

In early March 2020, the Commissioner for Corrective Services established a Taskforce to coordinate and monitor the response to COVID-19 across the prison system. Shortly after being established the head of the Taskforce provided us with a briefing on the steps being taken by the Department.

At that time our intention was to proceed with our on-site inspection of WKRP, modified to follow all of the recommended precautions.

On 16 March, the Premier announced a State of Emergency, with limits on the size of public gatherings.

## INTRODUCTION

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On 19 March the Inspector wrote to the Minister for Corrective Services informing him that the WKRP Inspection would be suspended temporarily. OICS liaison visits would be limited to those driven by identified need. Over the following week or so, the state government increased restrictions on movement and access, not only in the prison system, but across Western Australia and most sectors of the community.

### COVID-19 required the Office to revise its inspection procedure

To avoid the risk of OICS staff taking COVID-19 into a prison, or being infected, the Inspector decided the WKRP Inspection would proceed, but OICS staff would not travel to Derby. Rather, the inspection would be conducted remotely as far as practical. Interviews with individual staff at the prison would be by telephone or video-conference. The commencement of the inspection was delayed to allow rescheduling of appointments and would likely run for three weeks.

Senior management and staff at WKRP cooperated with the OICS inspection team in making alternative arrangements. Documents requested or referred to during phone calls were received by email. We were able to develop a reasonable understanding of the current situation and issues facing many areas within the prison. What we missed were the larger focus group meetings with discrete staff cohorts, which often provide valuable insight and context for our inspection. We also lost the capacity to physically examine the prison and 'triangulate' some of our assessments by way of conversations with staff and prisoners and direct observation of prison operations and procedures.

Initially, we expected that meeting with groups of prisoners remotely would be impossible, but we were fortunate. A quarter of the female prisoners were foreign nationals on long sentences, transferred to WKRP because they had no family or visitors in Perth. In 2019, the Superintendent had asked the Department for three video link kiosks, to give those women access to international video visits. Australian prisoners would also benefit, particularly Aboriginal prisoners from communities across the Kimberley.

The kiosks arrived at WKRP in mid-April and were connected in time for us to 'meet' separately with small groups of male and female prisoners, without prison staff in the room. Our early concern that Kimberley and foreign national prisoners might not respond well to video meetings was unfounded. Both groups engaged willingly and provided candid and valuable information and context.

Unfortunately, we only met with those two prisoner groups, chosen by discussion amongst staff and prisoners. A standard inspection would typically schedule four or five prisoner group meetings, not just one each for men and women. This inspection also lost the valuable casual talk with prisoners as we move around units, workplaces, education, health centre and recreation.

Documentary evidence from the Department, staff and prisoner surveys, a two-day site visit in January and the service provider meeting gave us context. Phone calls to staff and E-visits 'meetings' with selected prisoners in April provided detail. Although we were confident that the information gathered gave us ample evidence to form a view on the state of WKRP, we planned to undertake some follow-up inspection work on site at the prison when COVID-19 restrictions eased.



# Chapter 2

## PRISON SERVICES

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### 2.1 ADDRESSING KIMBERLEY ABORIGINAL CULTURE

#### **The proportion of Kimberley Aboriginal prisoners back at WKRP had risen**

In its architectural design and operational philosophy, WKRP recognised the importance of providing custodial services appropriate for Kimberley Aboriginal prisoners. That began with identifying those prisoners elsewhere in the prison system, and bringing them back to serve time 'in country'. Our 2017 inspection had found that more than half of the Kimberley Aboriginal prisoners were at other facilities. A proportion of those placements would have been for reasons of security, health or specialist service provision, but too many were not at WKRP, despite its original design purpose.

In 2020, data from the Department showed clear improvement. Just 29 per cent of Aboriginal males and 28 per cent of Aboriginal females were not 'at home' in the Kimberley. Five per cent of those men were at Roebourne Regional Prison, and while they were not in country they were at least in an Aboriginal majority prison above the 26th parallel.

#### **The prison was employing more Aboriginal staff**

The Department has recognised the importance and advantages of attracting and retaining Aboriginal staff in all prisons, and especially in those with a majority Aboriginal prisoner population. It has acknowledged that increasing Aboriginal staff representation will improve Aboriginal offender management and rehabilitation (DCS, 2012), and make the Department more responsive to the needs of Aboriginal people.

In 2017, WKRP was employing 12 Aboriginal staff members: three in administration; three as Vocational Support officers (VSOs); and six as custodial officers. VSOs oversee activities at prison industries workplaces, and at structured recreation. They also lead external community work project teams with suitably-assessed minimum-security prisoners granted leave of absence from the prison under Section 95 of the *Prisons Act 1981* (WA).

This inspection, we were pleased to find Aboriginal staff in eight custodial officer positions, and eight in non-custodial positions. The latter group included the Transitional Manager (TM), the Prison Support Officer (PSO), the Women's Support Officer (WSO), the female Section 95 VSO, the Activities Officer (a 50d position, requiring Aboriginality), the laundry VSO, and two public servant staff. The TM, the PSO, the WSO and the female Section 95 VSO were all local Aboriginal women. The 16 Aboriginal staff members were an asset to WKRP, reinforcing culturally-competent support services for prisoners. While the prison should be commended for increasing the number of Aboriginal staff, around 90 per cent of the prisoners in WKRP were Aboriginal so there were opportunities to do better.

#### **Cultural support for Kimberley Aboriginal prisoners was mixed**

Before the Inspection, the Department provided documents indicating positive support for Aboriginal prisoners. We were pleased to find that Aboriginal Services Committee meetings were scheduled quarterly, and minutes showed comprehensive tracking of the performance of service provision to Aboriginal prisoners, which supports good practice.

## PRISON SERVICES

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The 2017 OICS Inspection Recommendation 18: *Reinstate the Assistant Superintendent Offender Services (ASOS) position at WKRP* (OICS, 2017, p. 51) had been actioned.

The Inspector had considered the ASOS role necessary as it coordinates services for prisoners. In 2020, the ASOS was a long-time Derby local with a nursing background. She gave us useful insight into practical adaptation of service provision to better suit the needs of Kimberley Aboriginal prisoners. That input to staff awareness of Aboriginal cultural issues was valuable.

The PSO had been at WKRP since it opened. Her emphasis had been on encouraging prisoners to control their emotions and behave appropriately. She was accessible to prisoners, and she also co-ordinated the peer support prisoner (PSP) team. A PSP team can provide a bridge between support staff and prisoners, watching out for prisoners who are emotionally fragile or at risk of self-harm. Team members can also give practical help with things like writing parole plans.

We were told the PSP team met with the PSO monthly for a discussion about the prisoner population, and to compile records of their contact with individual prisoners. Membership of the team was fluid, going from three to five during the three weeks of our virtual inspection. However, the women in Unit 4 had been without a team member for much of 2019.

In other prisons, peer supporters are active at reception, and play a role in the orientation process. That was not the case at WKRP, but we were told that the two male reception workers gave support to men on arrival, and a female life skills worker helped in Unit 4 with orientation.

It was surprising that WKRP, a prison founded on a philosophy of strong support for Kimberley Aboriginal culture, had struggled to engage some vital community support systems. The Aboriginal Visitors Scheme (AVS), established in 1990 in response to the Royal Commission into Aboriginal Deaths in Custody, did not have a presence at the prison. Elsewhere in the prison system, AVS visitors watch out for, and provide support to, at risk or vulnerable prisoners. Given the high prevalence of suicide across the Kimberley, it ought to be a priority that an AVS service should be secured. WKRP had also failed to establish a sustained Elders program. We were told that in 2019, visits to WKRP by significant Aboriginal community members had only happened during the National Aboriginal and Islander Day Observance Committee (NAIDOC) events. Again, establishing an effective and enduring Elders program ought to be a priority.

### **Recommendation 1**

**The Department and WKRP should take urgent steps to engage AVS and local community Elders to support Kimberley prisoners.**

## PRISON SERVICES

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### Pre-Inspection surveys suggested contradictory views of cultural awareness

In the prisoner and staff surveys conducted in January 2020, opinions about cultural awareness were contradictory.

The prisoner survey results suggested that staff understanding of culture had fallen since last cycle, and was rated lower than the state average. Their view of staff respect for culture had also fallen since last cycle, and was also rated worse than state average. Comments by prisoners on cultural and religious needs called for: more Aboriginal cultural activity; more Aboriginal cultural awareness training for staff; access for Aboriginal Elders; mixed recreation; and having a separate cottage in Unit 4 for foreign prisoners. WKRP could do better.

These results were at odds with the views expressed in the staff surveys. Staff rated respect for, and recognition of, Aboriginal culture better than last cycle, and better than the state average. Staff also rated communication with Aboriginal prisoners as similar to last cycle, and better than state average. This seemed to indicate that staff thought they respected Aboriginal culture, but that view was not shared by the Aboriginal prisoners.

Either way these results were disappointing. In our 2017 inspection report, Recommendation 14 called for the prison to: *Re-examine prison priorities and procedures to better meet the cultural needs of Kimberley Aboriginal prisoners, and develop a stronger and sustained program of activities to facilitate cultural expression* (OICS, 2017, p. 42). It was clear at that time that more could be done.

It was also noteworthy that staff survey results indicated cultural awareness training was worse than last cycle, and worse than state average. That view was reinforced by discussions we had with WKRP management. We were told that several years ago, Elders from Derby and Broome had been engaged as Kimberley-specific cultural awareness trainers at WKRP, but there had been nothing similar offered for officers and staff at the prison since the last inspection. That important training could be readily incorporated into the weekly staff training sessions.

New trainees fared better. The Department's Training Academy travelled to Derby in quarter two 2019, running a three-week Essential Training Program for VSOs, and an 11 week Entry Level Training Program (ELTP) for custodial officers. As part of the ELTP, a respected Traditional Land Owner from Derby delivered a two-day Kimberley-specific cultural awareness program.

### **Recommendation 2**

**Culturally appropriate training at WKRP should equip all staff to comprehensively support Kimberley Aboriginal prisoners.**

## PRISON SERVICES

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### **Access to funerals might be improved by recent changes to the Department's prison orders**

Historically prisoners, particularly Aboriginal prisoners, have expressed concerns about being able to access funerals. It appeared that funding and kinship assessment of the prisoner to the deceased person were limiting factors.

In November 2019, Prison Order 06/2019 (the Order) acknowledged that Aboriginal kinship and extended family relationships should be regarded as significant relationships when considering access to compassionate leave. That Order eased restrictions on permission to attend funerals.

For prisoners at WKRP, in the 15 months between January 2019 and March 2020, just 13 of the total 48 funeral applications were approved and completed. Of those, eight were before the Order came into effect. Of the six applications received since the introduction of the Order and March 2020, five had been approved and completed.

The Order impacted on the operations of Broadspectrum (BRS), the prisoner transport contractor, which was expected to manage an increasing number of successful funeral applications across the state, some involving transport to remote communities.

State-wide COVID-19 restrictions on funeral attendance implemented in April 2020 reduced the number of applications, and funerals were cancelled across the Kimberley.

## 2.2 RESPONDING TO COVID-19

### **WKRP had responded well to the escalating COVID-19 emergency**

We were told that the Superintendent had spoken frequently with staff and prisoners about the rapidly-developing COVID-19 situation. Staff told us that some prisoners were quite concerned for their own welfare. Other prisoners feared that non-Aboriginal prison staff or external service providers could bring the virus into the prison.

The prison had developed a COVID-19 management plan. Any prisoner presenting at reception with flu-like symptoms would remain outside in the sally port. Officers from BRS would wait with them. All non-essential prison staff would leave reception, and remaining prison staff would don personal protective equipment (PPE) and move the prisoner immediately to the Multi-Purpose Unit. The prisoner would then go into 14-day quarantine. At the time of the scheduled inspection, a single male prisoner displaying flu-like symptoms was in quarantine. He subsequently tested negative.

Staff told us that PPE at Reception was adequate, and the Reception hall was deep-cleaned each afternoon. Elsewhere across the site, 12 prisoners had been employed in a 'COVID-19' cleaning party. That reinforced the cleaning processes already in place, with a focus on sanitising high-touch areas like kitchen surfaces, door handles, and light switches. To support the enhanced cleaning regime, managers and VSOs had also run an intensive public health awareness campaign for all prisoners in all houses. It reinforced the messages around washing hands regularly, avoiding touching the face, and self-isolation if feeling unwell.

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### **Projects helping the Derby Aboriginal community had been interrupted by COVID-19**

Before January 2020, the WKRP male and female section 95 work teams had contributed to the Derby community with ongoing maintenance projects at: the Derby Aboriginal Short Stay Accommodation facility (DASSA); government employee accommodation properties; and at the Derby Police Station. Work with DASSA, formalised via a memorandum of understanding with the prison, included providing laundry services and pre-packaged meals.

The Department's response to COVID-19 included suspension of in-person social visits, and cessation of all Section 95 community work, all external employment and reintegration leave. Consequently, all Section 95 community projects in Derby had ceased at the time of our inspection.

# Chapter 3

## PRISON OPERATIONS

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### 3.1 ARRIVING

#### **Prisoner transport and reception procedures were thorough and efficient**

Scheduled prisoner movements between BRP and WKRP were undertaken by BRS on Thursdays and Fridays. BRS also provided transport by air to Kununurra Court. We were told that BRS transport between Broome and Derby was efficient, their time schedules were regular, and they treated prisoners well.

BRS was not involved in unscheduled prisoner transport. For breaches of bail at towns across the Kimberley, offenders were held in police lockups, a court hearing could be by phone or video link, and the Magistrate could remand the offender in custody. Police then brought prisoners to WKRP. Police could also bring prisoners from Kimberley towns after remand or sentence by the circuit court. Reception staff at the prison required police to present either a remand warrant or a warrant of commitment for each arriving prisoner.

The prison provided all local transport, including to medical appointments or funerals held in or close to Derby. Our 2017 inspection report called for the secure vehicle to be modified or replaced to improve passenger comfort. Although the Department had not supported that recommendation, in 2020, appropriate modifications had been completed.

The prison had developed a local reception database. It tracked individuals throughout their stay, which made discharge easy. The database flagged: court dates; release date; exit checklist; family details; and requirements for transport home.

The reception centre had two holding cells for males, and one for females. It also had adequate storage for personal property and clothing.

Before COVID-19, the number of prisoners coming through reception had rarely been more than eight a day, but it had been lower since March. There were two male prisoner workers in reception, and both were on Level 2 gratuity. Peer support had not been active in reception in the months before the inspection.

#### **Orientation processes were hit and miss**

We were told that the orientation process had not been consistent but was under review. It appeared that the orientation week began with assessments and explanations on Monday, followed a couple of days later by a PowerPoint presentation and educational assessments by Education staff. New prisoners could then express interest and enrol in courses, and were given a tour of the education centre. We were told that the orientation sessions were 'hit-and-miss'. The plan was to have peer support prisoners involved, but that had not happened.

Female prisoners told us that peer support prisoners were not active in orientation, but the Life Skills Officer (LSO) and life skills workers took a general orientation session on Monday. Although all the Unit 4 houses had an orientation booklet, women from Kimberley communities simply 'oriented themselves'. Male prisoners told us that new prisoners got very little orientation or explanation. Men new to Unit 3 asked other prisoners about

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programs, and just walked around to find out where education and other units were. When they had to go outside Unit 3, someone just pointed them in the general direction of where they needed to go.

### Education planned more involvement in orientation

The new Campus Manager (CM) told us he planned more involvement in orientation in future, with an early educational assessment leading to selective targeting, integration, and streaming. New arrivals would then tour the education centre. It was important to get students into appropriate courses at the right level. He planned to use orientation to build a 'pathways' model, which could reset and refocus delivery of education. He also wanted orientation to continue after the first week, to include more life skills training to compliment the OSH training and education assessment processes.

### **Recommendation 3**

**Improve the Orientation process to ensure that every prisoner receives a comprehensive orientation to the prison.**

## 3.2 DAILY LIFE

### Medical centre staffing and health services were generally sound

The staffing allocation at the medical centre included a Clinical Nurse Manager (CNM), a Mental Health Nurse (MHN), three nurses, a Senior Medical Receptionist and a Resource Coordinator. All positions were full-time. The centre operated seven days, from 7.00 am – 6.00 pm. A General Practitioner (GP) visited four days each week. We were concerned that, at the time of the scheduled Inspection, the CNM position was vacant, and the WKRP health centre was relying on leadership from the CNM at BRP.

Prisoners thought that health services at WKRP were good. Their 2020 pre-inspection survey suggested opinion of general health services was similar to last cycle, and approval of medical specialists had risen. Both were well above state average. Those opinions were supported by the female prisoners that we interviewed remotely by video. They told us the health service at WKRP was better than they had experienced in other prisons.

At 25 per cent approval, the prisoner survey support for mental health services was unchanged. Although that was better than state average (17%), our conversations with staff suggested that they felt that mental health services were reasonably good. Both the full-time MHN and the Psychiatrist had long history at WKRP, and good rapport with Kimberley Aboriginal prisoners

We were told that mental health clinical practice had changed. In 2017, the Psychiatrist had visited in person every six weeks. In 2020, psychiatric support was by a tele-health service from Perth every second Wednesday. Although patients had reacted negatively to the change at first, we were told they had become accustomed to it. The MHN sat in on those appointments, supporting the patient when necessary, and giving the Psychiatrist

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context and detail. Where necessary, mental health patients were referred to the GP for follow-up or medication.

The Department has a responsibility to provide all prisoners with reasonable dental care in a timely manner, regardless of their location. WKRP has a purpose-built and well-equipped dental suite in the health centre. Previously, the public health dentist was meant to attend every second Friday, but we were told that the service had been inconsistent. Staff and prisoners told us the waiting list to see the dentist had been constantly growing. This is a recurring problem we see across the system. Recently, the contract had been re-let to a local private dentist, and health centre staff anticipated that prisoners would get better dental care in future. We will monitor progress in the coming months.

### Crowding threatened the self-care model

The self-care/self-catering model was central to the WKRP philosophy of promoting self-determination, self-management, and personal responsibility. Early in 2020, the WKRP prisoner population was higher than in 2017, and the proportion of both Aboriginal men and women was also higher. We found that cells had been double-bunked, but no prisoners were sleeping on mattresses on the floor.

Despite the pressure of increased population, the prison had just one LSO, which is an important position to support self-care. In 2019, prisoner house coaches, selected by staff with prisoner input, had been re-introduced in the male units. The LSO had been running cooking classes for the house coaches and living standards in most of the houses had improved.

### **Recommendation 4**

**WKRP should have a second Life Skills Officer position to support self-care.**

### Prisoners' rating of quality of life had fallen

The 2020 prisoner survey suggested that the quality of life was lower (5.45) than last cycle (6.28), but still above state average (5.02). Good opinion of your unit (65%) was also lower than last cycle (81%), but also better than state average (61%).

Prisoners mostly feeling safe (78%) had fallen slightly since last cycle (84%), but was above state average (74%). Comments on feeling safe included: family, friends and countrymen; close to home; sport; cameras everywhere. Comments on feeling unsafe included: officers' attitude; fights; unstable prisoners.

### Prisoner opinion of food had fallen

In the pre-inspection survey, prisoner satisfaction with the food at WKRP had declined. Only 53 percent of respondents thought the amount of food provided was good, down from 84 per cent last inspection. Just 69 per cent approved of food quality, down from 86 per cent. Prisoners from Unit 3, which was not a self-care unit, complained that their meals were not always cooked fresh, but reheated from frozen.



## PRISON OPERATIONS

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In the E-visits focus groups, prisoners told us that there was not enough food, especially meat. They also wanted a better variety of meat and fruit. Although they said that 'cultural food' was only served during NAIDOC and Reconciliation weeks, we understand the comment by staff that Aboriginal cultural variation across the Kimberley made supply difficult. Traditional Aboriginal foods enjoyed in desert communities are very different to those preferred on the coast.

The kitchen had a chef supervisor, supported by one chef instructor and up to 17 prisoner workers. It cooked all staff meals, and dinners for prisoners in Unit 3. Given the remoteness of the prison and the extremes of climate, one of the biggest issues faced by the kitchen was the reliability of catering equipment, and the time taken for repair. At the time of the inspection, it was down a bell kettle, a baker's oven and one large industrial oven.

The kitchen also supplied the self-care houses with fresh bread, meat, fish, and eggs. Those items were delivered daily, because of the ongoing problem of unemployed prisoners eating communal food supplies during the day. The LSO was responsible for making sure the houses had plenty of fruit and vegetables. She was assisted by prisoner house coaches and life skills workers.

Last inspection, the LSO position had been vacant for almost a year, which had threatened the sustainability of WKRP's self-care model. In 2020, we were pleased to find the LSO position filled, but the second chef instructor position had been vacant for some time. That reduced the kitchen's capacity to support the LSO in teaching cooking skills at the self-care houses.

### **Prisoners complained about clothing, bedding and laundry**

Fewer than half of the prisoners surveyed said that the clothing provided by the prison was good. While that was similar to state average, it was significantly worse than in 2017, when 75 per cent of prisoners said clothing was good. Similarly, prisoners' approval of bedding had fallen from 85 per cent in 2017 to just 59 per cent. Opinion of the laundry was also down, from 75 per cent to 53 per cent.

At the time of this inspection, prisoners in Units 1, 2 and 4 used washing machines in the units to wash their own clothing. Three years ago, we commented that the machines were on verandas that left them exposed to the weather. That, the increased prisoner population, and poor maintenance contributed to breakdowns. The hygiene risk was magnified when male prisoners were not given enough training to use the machines properly.

In 2020, this was changing. In future, no male prisoners would wash their own clothing. All clothing and bed linen, except for clothing from Unit 4, would be washed at the central prison laundry. Laundry operations would increase from four to five days each week. Although that would provide increased employment opportunities for some male prisoners, men would lose self-reliance in laundry practice.

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### Recreation had improved with the employment of a new Activities Officer

In 2020, recreation fared poorly in the pre-inspection prisoner survey. Perceptions of approval for the gym, at 16 percent, were very low. Both male and female prisoners wanted treadmills. The men also wanted cable weights, which were not permitted for security reasons. Only a quarter of prisoners responding thought the amount of organised sport was good. Slightly more were satisfied with access to other recreation. Some complained that the music room in the education centre was not available in the afternoon as a recreational activity. There were suggestions that band practice should happen in the cultural centre.

This inspection, we found that a dedicated Activities Officer had been appointed, and had been in the role for over 6 months. He was a qualified carpenter, and had been with the army reserves for several years. He brought those skills to the role. He was assisted by one female and three male prisoner workers. He had built a volleyball court for the women, but it still lacked shade.

Both men and women could use push bikes that had been donated to the prison and repaired by the WKRP metals workshop. Men were allowed to ride the ring road around the oval, but women were limited to the footpaths inside Unit 4. A cultural centre was being established, with plans for boab nut carving and painting activities. We were told that men would be getting more isometric equipment.

At the time of the inspection, COVID-19 restrictions meant all football, basketball and volleyball games had been cancelled. Several weeks later, local management moved to allow some football training and basketball practice. The Activities Officer temporarily changed his work hours so he could better supervise recreation and make sure social distancing was maintained.

### In-person social visits were cancelled, but video visits were possible

Last inspection we found the WKRP visits centre to be a pleasant environment. Flexibility was shown to families, and risks were well managed, but many prisoners were not getting visits. Many came from communities across the Kimberley and prisoners from Perth were even more isolated. The prison still lacked an E-visit facility for remote visits. The Department's video link was being used for court appearances, and inter-prison visits by video link had stopped due to staffing issues.

In 2020, at the time of the scheduled inspection, social visits had been suspended due to COVID-19. As part of the Department's pandemic plan, prisoners had been given free telephone calls, and the number of free letters they could send had been increased. Some male prisoners complained that phone calls were still limited to 10 minutes, and crowding made for a long wait between calls. Female prisoners said phone access was good, and they could speak for up to 40 minutes at a time.

## PRISON OPERATIONS

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Use of the single video link had been non-stop. Court appearances by video had increased and there had also been more demand from official visitors. Lawyers, community corrections officers and child protection workers were using the video link because they were no longer coming to the prison in person. Social e-visits were given lowest priority.

E-visits units arrived at WKRP in late April. Our Office used E-visit technology to meet with groups of prisoners during the inspection. Further work was needed for the prison to be operationally ready to begin social visits electronically. We were told the target date for that was the end of May.

### **The Canteen was suffering stock supply issues**

In 2020, the prisoner survey suggested approval for the canteen had dropped to 60 per cent, down from 82 per cent last cycle. Derby's isolation was a key factor, and COVID-19 made it worse. Fresh milk was not always available. Even soft drink, usually limited to eight cans per prisoner for health reasons, was rationed at only two cans per prisoner.

We were told that the Canteen Officer had done the custodial officer training, so she could supervise the two male Aboriginal canteen workers, and the single non-Aboriginal female canteen worker. The two canteens, that had previously operated for male and female prisoners, had been merged into one to increase efficiency. Canteen spends were still happening only once a week, on Wednesdays. Cold items were available. Only a few healthy options were stocked, but women were pleased that yoghurt was available at last.

The Cashier was responsible for monthly town spends. There had been an influx of orders because of the pandemic, with prisoners wanting to keep themselves occupied. Delivery of orders was slowed by COVID-19 limitations on transport. The prisoner focus group complained that delivery could take two to three months. Items available through town spends included CDs, DVDs, Xbox 360 games and magazines.

### **Chaplaincy services had stopped**

This inspection, the Chaplains had stopped visiting the prison. One had been transferred to Perth in February 2020, another had relocated to the Northern Territory in March 2020, and the third had been on leave for some time due to COVID-19. The most recent Coordinating Chaplain's report (dated 3 April 2020) noted that a young female Aboriginal Pastor at the Mowanjum Uniting Church had been approved as an official visitor to WKRP, but still needed to undergo training before delivering chaplaincy services.

In 2019, the chaplains had been holding weekly services. They also talked informally with men and women, and helped with writing letters for parole applications. They also helped when families needed transport from Derby to WKRP for family visits, and they brought in materials for art activities and bible study. At the time of our inspection these services were no longer being delivered.

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### Legal resources had improved

In the 2020 staff survey, 67 per cent of respondents said that the provision of legal resources was acceptable, a significant improvement from 2017, when only 27 per cent of staff approved. Last inspection, we found only the most basic of legal resources. The two libraries had some legislation of mixed vintage and generic legal textbooks. TimeBase, the digital legislation database, was not available in either library.

We did question whether the concentration of disadvantage in the prison population presented barriers to engagement with this material. It appeared the more likely explanation for the increased approval for the prison's legal resources was the introduction of Legal Aid WA's Blurred Borders program. Staff spoke highly of this program. Unfortunately, the delivery of Blurred Borders had been interrupted by the pandemic.

Prior to COVID-19, Blurred Borders was being delivered at WKRP by an Aboriginal education worker, a local Derby man. The program used visual art and storytelling, and was presented in a culturally accessible way. Key legal concepts were covered across the subjects of family violence, child protection, and the criminal legal process. Although delivered by a non-lawyer, the facilitator was equipped to identify prisoners needing legal advice, and referred them to the regular Legal Aid prison visiting service for assistance.

### Integration between men and women was severely restricted

The Report of our first inspection of WKRP in 2014 described the prison as an 'exemplar of good practice' in allowing male and female prisoners to come together for pro-social and appropriately supervised activities. Those included education, recreation, visits and church services. We recommended that the model be adopted at other mixed-gender facilities across WA.

We were disappointed that, by 2017, any mixing between men and women was limited to a few educational programs and formal intra-prison visits, which required an official written application. In 2020, staff and prisoners told us that even those few opportunities had been eroded. We reiterate a Recommendation from 2017:

#### **Recommendation 5**

Subject to risk assessments and supervision, provide better opportunities for male and female prisoners at WKRP to mix, including opportunities for friends and families to grieve together.

# Chapter 4

## REHABILITATION AND REINTEGRATION

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### 4.1 PERSONAL DEVELOPMENT

#### **The assessments team was small but sufficient, and managing well**

In 2020, the assessments team at WKRK consisted of the Case Management Coordinator and one Assessment Writer. There had previously been two Assessment Writer positions, but one had been transferred to BRP. As the WKRK assessments team was no longer responsible for managing assessments for BRP prisoners, assessments staffing was adequate. The backlog of treatment assessments seen in 2017 had been addressed. Assessment and sentence planning tasks were up-to-date.

Two new Senior Program Officer positions had been filled. That allowed the Prison Counsellor to prioritise treatment assessments, which were being completed promptly. This was an improvement from our last inspection when the Prison Counsellor covered counselling services, program delivery, and treatment assessments. It was planned that the two Senior Program Officers would eventually take over all treatment assessments, but they had not yet been given the required training.

#### **The case management system was of limited value**

From its opening in 2012, WKRK ran a trial integrated offender management model, which we recognised as good practice. Positive features included supportive contact between case managers and prisoners, more detailed case notes, multidisciplinary reintegration conferences, and reintegration plans for each prisoner (OICS, 2015, p. 30).

Unfortunately, this model was abandoned in mid-2016, partly because of a cut to resources, and partly because the department was planning to roll out a new integrated individualised offender management model across the state. This never eventuated, and WKRK instead reverted to the Department's standard case management system.

The standard case management system has limited value. About 50 per cent of WKRK prisoners were not case managed at all. For those prisoners who were case managed, the process was largely ineffective. Contact between case officers and prisoners was too infrequent, and rarely resulted in a meaningful relationship. There was no real contribution to prisoner welfare or preparation for release. This has been our consistent criticism of the Department's case management system for many years now.

#### **Programs were not culturally appropriate, delivery was limited, and women missed out**

In 2017, the programs being delivered at WKRK were developed in other countries and validated on groups of people with little to no similarities to the Kimberley Aboriginal prisoners. We recommended: *The development and delivery of culturally appropriate offender treatments programs at WKRK* (OICS, 2017, p. 23).

In supporting the recommendation, the Department said it was reviewing the current suite of programs to ensure the appropriate programs would be available to meet the needs of the specific prisoner cohorts across the state, including at WKRK. In 2020, there had still been no change. The same culturally- and educationally-unsuitable programs were being offered.

## REHABILITATION AND REINTEGRATION

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We heard that program facilitators had modified the delivery of programs to make them more culturally relevant for participants. The facilitators had not compromised the content and integrity of the programs. Rather, they had redesigned the program environment to make it more comfortable for Aboriginal prisoners. This was not seen as a solution, but rather a sensible modification that should not be necessary.

Since 2018, the only programs run at WKRP were Pathways and Connect and Respect. All program participants were Aboriginal men. In the 18 months to June 2020, only 31 male prisoners, completed a program.

- Connect and Respect: 26 March – 8 July 2019. Ten men commenced and nine completed.
- Connect and Respect: 26 August – 26 November 2019. Eight men commenced and five completed.
- Pathways: 10 July – 9 October 2019. Ten men commenced and eight completed.
- Pathways: 13 February – 9 April 2020. Ten men commenced and nine completed.

The Department had not made programs available for women at WKRP. Female prisoners who have been assessed as requiring a program must transfer away from the Kimberley to complete that program at another prison. This is at odds with the Department's stated objective of keeping Kimberley prisoners in country.

This is really an unsatisfactory situation that requires immediate attention if the Department is to meet its commitment to reducing Aboriginal incarceration and recidivism rates in the Kimberley.

### **Recommendation 6**

**Develop and deliver culturally appropriate offender treatment programs for men and women at WKRP.**

#### **Staffing at the education centre was changing**

In 2020, the WKRP education centre had five full-time positions: the CM; two Prisoner Education Coordinators (PECs); one Aboriginal Education Worker (AEW); and one clerical assistant. Three casual tutor positions were also available. The CM had been at WKRP since December 2019 and prior to this he had diverse experience in metropolitan and regional prisons in WA and the Eastern States.

At the time of the Inspection, the education centre was down one PEC, and the AEW was going on early maternity leave. Both positions had been advertised. The tutor specialising in media production had recently quit. The CM believed education would need either more tutors, or more hours for tutors.

## REHABILITATION AND REINTEGRATION

### Entry-level courses were appropriate for Kimberley prisoners

WKRP recognised the particular education and training needs of Kimberley Aboriginal prisoners. Students should be able to access basic literacy and numeracy classes, gain life skills through practical activities, and develop pathways to employment. The Department's Education, Employment and Transitional Services (EETS) offered many Adult Basic Education (ABE) courses with low literacy requirements.

In addition to those basic courses, Vocational Education Training courses and traineeships were run by Registered Training Organisations (RTOs), including NRT, Vocational Training Services (VTS), and EETS's own RTO, Auswest Specialist Education Training Services (ASETS).

In the 20 months to November 2019, the WKRP education centre, through ASETS, had offered Entry to General Education (EGE), Certificate in General Education for Adults (CGEA), and Gaining Access to Training and Employment (GATE) courses, with mixed uptake. We were told that Certificate I in EGE, (art, music, the phonics literacy 'Sound Ways Program', and 'Plan Healthy Eating on a Budget') had been popular. Many women took the GATE Certificate I in New Opportunities for Women (NOW).

Together, Certificate I in EGE and GATE Certificate I NOW attracted 92 per cent of the distinct students over the period, and 96 per cent of the unit completions. They were clearly appropriate for Kimberley prisoners.

**Table 1. Educational courses at WKRP: 01.01.2018 – 31.10.2019**

Courses	Distinct students	Enrolments	Completions	RTO
EGE	605	2054	2014	ASETS
CGEA	56	84	60	ASETS
GATE	29	30	28	ASETS
GATE / NOW	376	388	383	ASETS

Over the same period, NRT had high levels of engagement with training in Agriculture and Horticulture, Construction and Maintenance, General Education, Business, and Sport and Recreation. ASETS had strong completions with Creative Arts and Music, as did NRT and Goolarli Media, a Kimberley Aboriginal radio and media production enterprise. The School Drug Education and Road Aware (SDERA) program had delivered driver training.

## REHABILITATION AND REINTEGRATION

**Table 2. Vocational Education Training courses at WKRP: 01.01.2018 – 31.10.2019**

Courses	Distinct students	Enrolments	Completions	RTO
Agriculture & Horticulture	73	500	380	NRT
Automotive & Panel & Paint	13	13	8	ASETS
Automotive & Panel & Paint	23	49	24	NRT
Business	41	85	54	NRT
Construction & Maintenance	84	145	138	NRT
Creative Arts & Music	76	117	104	ASETS
Creative Arts & Music	26	61	45	NRT
Creative Arts & Music	23	33	24	GOOLARI
General Education	51	76	65	NRT
Sport & Recreation	39	39	37	NRT
Keys for Life (Driver Training)	63	65	60	SDERA

Outcomes for traineeships had not been strong.

**Table 3. Traineeships at WKRP: 01.01.2018 – 31.10.2019**

Traineeships	Distinct students	Enrolments	Completions	RTO
Agriculture & Horticulture	4	4	1	NRT
Hospitality	5	5	2	VTS

### Two notable developments in education and training, but women still missed out

To support self-care at WKRP, four short courses had been combined into a mandatory healthy living course, delivered by EETS.

The lack of a current motor driver's license (MDL) has been identified as a barrier to prisoners gaining employment after release. To address this, the education centre, in collaboration with the Mowanjum Licensing Academy and the Department of Transport, had helped prisoners obtain 87 Learners Permits and 37 full MDLs.

Staff and prisoners told us there had been a lack of education opportunities for women. The mixed-gender Media Study and OSH training had stopped. Women were only getting a weekly class in Art, and in Horticulture, delivered in Unit 4.

### Education delivery was changing

The CM planned significant changes to education, with a focus initially on foundation skills, streaming students into courses based on their educational assessment during orientation. The CM was hoping to identify culturally-appropriate courses, but did not favour mixed-gender classes. There was an acknowledgment that women had been neglected, particularly at the foundation skills level.



## REHABILITATION AND REINTEGRATION

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The plan was to deliver the following courses for men: Plan healthy eating on a budget; Food Stars; OSH; IT; and Sound Way. The education centre would also collaborate with Industries to run: Rural Operations; Small Motors; Construction; Visual Arts; and traineeships in Kitchen and Rural Operations. Female prisoners would be offered Barista, Aged Care, Art, and Horticulture courses.

### 4.2 GETTING WORK-READY

#### The Department had acted on three employment-related recommendations

The report of the 2017 inspection had included three recommendations addressing employment (OICS, 2017, p. 61):

- Recommendation 8: Recruit VSOs with industry-relevant qualifications, to fully restore and extend industrial work and training opportunities for prisoner rehabilitation.
- Recommendation 9: The Department must provide Essential Training Program training to all VSOs within six months of commencing employment.
- Recommendation 10: Ensure sustainable levels of prisoner engagement in community work, and placements at work camps.

It was positive to note that the Department had acted on all three. The new Mechanics VSO was a Derby local, and a qualified mechanic. Recent VSO appointments had completed full Entry Level Training Program (ELTP), more comprehensive than the Essential Training Program (ETP) required by VSOs. Before COVID-19 shut down both male and female Section 95 work teams were actively engaged in undertaking community projects around Derby.

#### We found some improvements in prisoner employment, but not enough

We have previously stated a view that 'unit work' (comprising short cleaning jobs within units) is a form of under-employment, rather than meaningful work. In 2017, we found that too many male prisoners at WKRP were either unemployed or under-employed. Although women could find work, the variety of their jobs was limited. The one female prisoner with Section 95 approval to work outside the prison had never been given the opportunity to work outside the women's precinct.

In 2020, the staff and prisoner surveys suggested more needed to be done. Only 26 percent of staff responding thought there was meaningful employment for prisoners, which was on a par with state average. But this was not good enough for WKRP which was designed specifically to rehabilitate Kimberley prisoners. Only 53 per cent of prisoners responding felt their time was usefully spent, down from 64 per cent in 2017.

Evidence on TOMS, the Department's database, supported those views. At the time of the scheduled inspection, 46 per cent of prisoners were either unemployed, or under-employed.

#### **Recommendation 7**

**Industries at WKRP should be developed to support more employment.**

## REHABILITATION AND REINTEGRATION

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### Employment and earnings were unevenly distributed

Aboriginal prisoners were reasonably well-represented at some work places, particularly kitchen, laundry, grounds and as house coaches. We were, however, disappointed to find that they made up 90 per cent of prisoners classified as 'not working', and 97 per cent of 'unit workers'.

Earnings were also distributed unevenly. Seven per cent of the Aboriginal prisoner population were on Level 1 (the highest paying gratuity level) compared to 36 per cent of the non-Aboriginal prisoners. This contrasted to Level 5 (the lowest paying gratuity level) which had 44 per cent of the Aboriginal prisoner population, but just eight per cent of the non-Aboriginal prisoners.

That said, we did find some improvements since the last inspection. The introduction of house coaches created 13 new jobs, and female prisoners had been participating in Section 95 work activities in Derby. There were six males and two females with Section 95 approval. Unfortunately, at the time of the scheduled inspection, COVID-19 had stopped all Section 95 project work in town. One positive from COVID-19 was that additional cleaning parties had led to the creation of extra employment opportunities.

### Women needed more employment and life skills services

Jobs were available to the women in: gardens; cleaning; life skills; maintenance; and textiles. Most women did have employment, but there were few opportunities for them to work outside Unit 4. Before COVID-19 they had worked in the kitchen on Sundays preparing meals for the homeless. At the time of the inspection only the life skills worker in Reception worked outside the unit. Even the Section 95 worker was confined to Unit 4.

The prisoner focus group identified that prisoners were not paid for being on the peer support team, unlike at other facilities. Women also said they wanted more life skills support. The single LSO worked with the entire prisoner population. She was also responsible for managing the supermarket, overseeing the quality and quantity of food for the self-care houses, and making sure prisoners were skilled enough to cook meals properly. With men outnumbering women five to one, they attracted more of her focus.

Male house coaches in Units 1 and 2 helped distribute the food orders, and gave guidance and advice to other prisoners about appropriate handling of food and preparation of meals. There were no house coaches in Unit 4, but one female prisoner had the position of life skills worker. She helped the LSO manage and deliver Unit 4 household food orders. She also helped with life skills activities and cooking lessons for the women. Creating a house coach position in Unit 4 would be beneficial.

### **Recommendation 8**

**Increase life skills support and opportunities for external employment for the women.**

## REHABILITATION AND REINTEGRATION

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### **The CCC Report and COVID had changed Section 95 community project work**

Early in 2020, up to 11 men and a smaller group of women were approved for Section 95 work outside the secure perimeter. Two men stayed at the prison External Store, and the rest travelled to Derby. Male and female Section 95 workers travelled to town work sites separately, but often collaborated on a project. There had not been a gender problem. Rules were clear, and prisoners valued the Section 95 opportunity. Community projects included: cleaning houses for the Department of Communities; cleaning cells at the Police Station; maintenance inside and outside the Fire Station; and work around the grounds of DASSA. Before COVID, the Section 95 teams had delivered food from the prison kitchen to a Derby Country Women's Association soup kitchen.

Since the Corruption and Crime Commission (CCC) Report on Karnet Prison's Section 95 program was published, local oversight of the two WKRP Section 95 teams had increased (CCC, 2018). Each Section 95 VSO carried a mobile phone and an occurrence book, and stayed in touch with the prison gatehouse, reporting departure, travel route, and arrival at destination. They called in every hour. Senior staff visited each work site every week for a security check.

Since COVID, the Section 95 routine had changed. Projects in Derby had stopped. All Section 95 external work was restricted to Departmental land around the prison. COVID hygiene had been introduced. The truck used by the men was still searched at the end of the work day, and then parked at External Stores. Men were searched before walking into the prison.

### **4.3 GOING HOME**

#### **The prison's pre-release services took account of Kimberley issues**

The Transitional Manager (TM), an Aboriginal woman from Derby, had moved from the AEW role to the TM position early in 2020. That took TM cover at the prison from two to five days per week. Before that, the TM at Broome had travelled to Derby two days each week. The WKRP TM was aware of issues facing Kimberley prisoners on release, including: obtaining identification documents and a motor driver licence; securing housing; contacting a lawyer; referrals to Centacare (the contracted re-entry provider); and referrals to rehabilitation facilities.

The TM identified prisoners with six months to parole eligibility or release to freedom and offered assistance with a referral to Centacare. She helped interested prisoners to complete the referral documentation. Several weeks before release, she approached prisoners again to see if they wanted a Centacare referral, checking they were registered with Centrelink for Newstart, putting them in touch with Adult Community Corrections, and working out how they would get home. Many prisoners only wanted a bus ticket to the nearest town, expecting that family would come to collect them. If the time of release did not fit the bus schedule, arrangements could be made for them to stay overnight with DASSA.

## REHABILITATION AND REINTEGRATION

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For the trip home after release, Centacare and the TM could both refer prisoners to the Transport Options Program (TOP), the 'transport home' program. TOP was rarely used at Derby, as most prisoners getting TOP transport were transferred to Broome Prison first. With COVID, there was some concern that buses across the Kimberley could be shut down, and remote communities might require 14-day quarantine for returning prisoners. At the time of our inspection this had not occurred.

There was a long wait list for public housing across the Kimberley. Many prisoners ended up living with family in crowded conditions. Centacare tried to place released prisoners into Foundation Housing, but availability was also limited.

### **The contracted re-entry service provider was under pressure**

Some WKRP staff said Centacare had only run one program at the prison in 2019. Centacare had however delivered nine parenting group sessions and 12 introductory group sessions over the year. Centacare also explained that they were not able to continue the Parenting Program because they suffered a high turn-over of staff, and appropriate training for staff had been problematic.

Two Centacare case workers had been coming to WKRP from Broome, but some scheduled meetings with prisoner clients had been missed. Following discussion between Centacare and prison management, visits to the prison had dropped to just one day each week.

We understand that providing re-entry support for prisoners before and after release is complex. Some prisoners chose not to engage with the Centacare programs. Providing transport and accommodation in the Kimberley was made difficult by distance and limited community infrastructure. Although the re-entry contracts were in the third year of operation, performance measures were still bedding in. Closer engagement between the Department's contract management team, WKRP staff and Centacare is warranted. Kimberley prisoners need an effective re-entry service.

### **Recommendation 9**

**WKRP needs better Departmental oversight of the Kimberley re-entry service provider contract.**

# Chapter 5

## CUSTODY AND SECURITY

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### 5.1 THE WORKPLACE

#### **The WKRP philosophy had been eroded over several years**

When WKRP opened in 2012, it was noted for its unique philosophy, which guided all services and operations. Over the years, that philosophy had been slowly eroded. In response to state-wide prison population pressures, the capacity of WKRP had been increased from 150 to 223 by the installation of additional beds. Houses that previously held six to seven prisoners now held 10–11. It had become more difficult for the prison to maintain the desired community-style independent living, particularly because there had been no commensurate increase in resources to provide education, employment and life skills training.

With the increased population and resource pressures, there had been a noticeable loss of focus on the cultural aspects of the philosophy. WKRP was regularly under pressure to accept transfers of non-Kimberley prisoners to ease population pressures in other prisons.

Most of these factors were beyond the control of the prison, but they combined to threaten the philosophy that had made the prison such a success in its earlier years.

#### **Budget and resourcing limitations made local priorities hard to achieve**

At the local level, there was a strong desire to protect and restore the WKRP philosophy. The Superintendent and senior management team had clear priorities for the prison. They included increasing local (and particularly Aboriginal) recruitment, and increasing constructive activity for prisoners with the aim of providing skills and training that would provide benefit to the community on release.

However, their ability to achieve these goals was restricted by budget and resourcing limitations. Senior managers expressed frustration that there were too few prisoner industries available within the prison, and until recently, too few VSOs to run them. That reduced the ability to provide constructive activity for prisoners.

Substantial budget cuts also undermined constructive activity. In 2018–2019, WKRP had a food budget of \$757,000, but spent over \$900,000. In 2019–2020, that budget was cut drastically to \$445,000. The reduced food budget had been based on an estate-wide notional allocation of \$3.22 per meal. That did not factor in the extra expense of WKRP's self-care catering model, high food transport costs, and high prices when ingredients were purchased locally.

Representations to head office on this issue had been met with some support, and the prison was hopeful of receiving more money in the following financial year. But it was disappointing that the budget allocation process did not seem to have considered the different circumstances of WKRP, or its philosophy.

## CUSTODY AND SECURITY

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### Prison infrastructure had not stood up well to the Kimberley climate

Experience has shown that the location of the prison in the Kimberley exposes it to extreme variations of climate that impacts significantly on infrastructure.

Our 2014 inspection reported “high temperatures, dust, humidity, flooding, electrical storms and cyclones” (OICS, 2015, p. 11). In 2017 we found considerable evidence of the impacts of the harsh climate (e.g. condensation leaking through light fittings in prisoner houses and workplaces, mould on surfaces, dripping taps, and blown lights). We also saw water damage to ceilings, and the ceiling in the Unit 2 office had collapsed completely (OICS, 2017, p. 46).

In 2020, our inspection of WKRP was modified by COVID-19 and we were not able to visit and observe the state of the prison first-hand, but in conversation with staff, we were told that facility maintenance continued to be a major problem. The prison attempted to resolve as many structural failings as possible using its own maintenance team, but many could only be repaired by an external contractor. That typically resulted in long delays and high expense because of the isolated location of the prison.

It may be the initial building specifications did not adequately factor in the extreme climatic conditions in the Kimberley region. Alternatively, it could just be a fact of life in the Kimberley that infrastructure has higher maintenance costs. Either way, there is a lesson here. Currently, the Department is planning a new prison in Broome. The plans should ensure that the lessons learned from WKRP are applied to the design of the proposed new prison in Broome.

### **Recommendation 10**

**Ensure that lessons learned from the WKRP build are considered in the planning of a new Broome prison.**

### Local recruitment was challenging, but there were examples of success

Recruiting staff in the local area had been difficult. There was only a small pool of potential candidates for any given position, and many were deterred by complex public sector recruitment requirements. It was not uncommon for WKRP to advertise a position but receive no suitable applications. The prison had achieved some success by first identifying individuals with the appropriate skill set in the local community and employing them on a short-term contract. They were then provided with coaching and training on the processes required to apply for a permanent position. However, this was time consuming and resource intensive, and had resulted in some perceptions of favouritism and patronage. Some staff had even queried whether such an approach was consistent with public sector recruitment requirements.

There had been a successful local recruitment of custodial staff in 2019, with 16 individuals completing training and commencing their probationary period at WKRP. Another local recruitment process was being planned for 2020.

## CUSTODY AND SECURITY

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### **Custodial staffing levels were adequate, but retention was a problem**

During our 2017 inspection, custodial staffing shortages were a problem at WKRP, and this had a regular impact on operations and services (OICS, 2017, pp. 51–52). In 2020, this was far less evident. The local recruitment of 16 new prison officers in 2019 meant that WKRP was fully staffed, and shortages were not a frequent issue. Even with COVID-19, the prison was well-staffed. There were several staff in self-isolation, but this was offset by other staff who had chosen to defer annual leave until they could travel again.

The main staffing challenge for the prison appeared to be high turnover of custodial officers. There were as many as 40 officers on the transfer out list, which represented about 40 per cent of the custodial workforce. In contrast, there were fewer than 10 on the transfer in list. For many officers who transferred to WKRP from Perth or other regions, the isolation of living in Derby was challenging. Many felt that the financial incentives and allowances they received were not sufficient to address this. We were concerned that the high turnover of staff might erode the long-term commitment to the prison's philosophy.

## 5.2 KEEPING GOOD ORDER

### **The perimeter fence was secure, but internal barriers less so**

In 2014 and 2017, the OICS team had been able to physically inspect security infrastructure at WKRP. Reports of those Inspections described an open-campus design, with an effective maximum-security perimeter. The main fence substituted a cowl for the razor wire seen at some other sites. Behind that, a sterile area was protected by electronic detection systems. An internal security fence was energised to a high voltage.

Two other secure internal fences were in place Unit 3 (male maximum-security) and Unit 4 (the female unit) were surrounded by anti-climb mesh, with a crank to deter climbing. In 2014 we were told that the Unit 3 fence had been scaled, and the Unit 4 fence had no concrete plinth, which would prevent undermining.

In 2020, without the option of a site visit, when considering barrier security, we have relied on information from staff reports. We were told that funding had been secured for an energised fence around Unit 3, but it was not yet in place. Some staff raised Unit 4 security as a topic of concern. Until the Unit 3 fence upgrade is completed, WKRP must ensure the safety of women through effective barrier security. Lessons learned from the Greenough incident should be heeded.

### **The Department's 2019 Compliance Review had assessed WKRP security favourably**

In its July 2019 Compliance Review, the Department's Monitoring and Compliance Branch reported on 22 areas of WKRP operations. Nine related to security. Four security areas were assessed as acceptable (perimeter security, gatehouse operations, emergency management and vehicle security). Four areas needed some control improvement (tools and equipment, personal duress system, searching and detection of contraband,

## CUSTODY AND SECURITY

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and internal security systems). Just one area, the cell call system, required immediate remedial action.

In 2020, we were provided information about progress in the areas requiring improvement, including:

- The prison was developing a comprehensive master tool register, to replace individual registers at each work site. Each tool had been numbered and engraved. A daily tool issue and return checklist was being completed daily.
- The Local Order regulating personal duress alarms had been rewritten to comply with the relevant Policy Directive.
- New cell and area search forms had been developed, female prisoners were no longer strip-searched as a random exercise, and all searches were correctly entered on TOMS.
- Restraints equipment was stored under strict security conditions, and checked for functionality daily.
- Remedial action had been taken to correct cell call procedure. Information on using the system was given to prisoners on their initial reception. All cell calls were logged in the Occurrence Book in master control. They were also recorded on the appropriate form, with an action/outcome. If a cell call failed electronically, the prisoner was issued with a staff personal duress alarm until a repair was completed.

It was positive to see the Department's Monitoring and Compliance Branch identifying shortfalls in procedure at WKRP, and the measures subsequently taken by WKRP management and staff to address those issues. This is a demonstration of good internal governance.

### **Emergency management planning was sound**

WKRP, located in bushland seven kilometres south of Derby, endures sub-tropical extremes of climate. With that comes risk of fire, flood and cyclone in addition to the risks faced by prisons elsewhere in the state. The Department's 2019 Review had found WKRP compliant with requirements for emergency management planning.

In 2020, we were provided with a comprehensive Local Emergency Management Plan, and a Safety Plan – Female Prisoners. The latter provided direction to protect female staff and prisoners in a range of emergency scenarios. WKRP had also conducted eleven emergency management exercises in the eight months to September 2019, almost double the number required by Prisons Order No 04/2018 – Emergency Management Exercises.

### **The loss of experienced staff and COVID-19 had delayed prosecutions**

Last inspection, we found the prosecution process timely and efficient, with the role of prosecutor filled by experienced custodial officers. In 2020, we found the previous prosecutors had all left. A new group of staff had been trained to replace them, but a gap of several months had resulted in a backlog.



## CUSTODY AND SECURITY

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The new prosecuting team had been working to clear the backlog. If their presence at the weekly staff training lockdown was not essential, they were released to concentrate on their prosecuting work. COVID-19 pushed back progress. Some matters dating back more than six months were written off due to delay. At the time of the inspection there were eight charges outstanding to be written up.

Although a Derby-based Visiting Justice (VJ) had recently been appointed, with restrictions on personnel coming on site due to COVID-19, VJ hearings had been cancelled.

WGRP had five multi-purpose cells that could be used for punishment, as well as the three safe cells in the crisis care unit. That was generally enough. Each prisoner placed in separate confinement had their regime explained to them, and received regular visits from management, health staff and the peer support team.

### **Staff training in use of force was adequate, but less so in other areas**

Use of force incidents were infrequent at WGRP. This meant training was vital to ensure custodial officers retained their competency and knowledge of procedures. Information provided by the Department showed that 86 percent of staff were trained in use of force, 87 percent in use of restraints, and 84 percent in cell extraction. In our pre-inspection survey, 85 percent of custodial officers responding felt they had received adequate training in both the use of restraints and chemical agents.

Recorded use of restraints from 2019 showed handcuffs generally being used, with tape hobbles being applied on one occasion, for a short period, to a prisoner who was kicking out at staff. There was no recorded incident of chemical agent being used. All use of force incidents were reviewed by management to ensure compliance with policy directives.

During the inspection, we did not hear any complaints from prisoners about the use of force by custodial officers. In the prisoner survey, 29 percent of those responding thought officers used too much force. This was the same percentage as the previous inspection, and lower than the State average of 35 percent.

The staff survey suggested that more was needed in three other areas of training. In 2020, both prison officers and all staff approval of training in suicide prevention and managing prisoners with mental health issues had gone backward since 2017. Also, of particular concern, staff reported cultural awareness training had also fallen, and in the case of prison officers, was below state average. Suicide, mental health and cultural issues are key areas of risk in the Kimberley Aboriginal community. A failure of training in those areas is unacceptable at WGRP, with its emphasis on physical, cultural and emotional security for Kimberley Aboriginal prisoners.

# Appendix 1

## ABBREVIATIONS

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ABE	Adult Basic Education
AEW	Aboriginal Education Worker
ASETS	Auswest Specialist Education Training Service
ASOS	Assistant Superintendent Offender Services
AVS	Aboriginal Visitor Scheme
BRP	Broome Regional Prison
BRS	Broadspectrum
CGEA	Certificate in General Education for Adults
CM	Campus Manager
CNM	Clinical Nurse Manager
COVID-19	coronavirus disease
DASSA	Derby Aboriginal Short Stay Accommodation facility
EETS	Education Employment and Transitional Services
EGE	Entry to General Education
ELTP	Entry Level Training Program
ETP	Essential Training Program
GATE	Gaining Access to Training and Employment
GP	General Practitioner
KARG	Kimberley Aboriginal Reference Group
LSO	Life Skills Officer
MHN	Mental Health Nurse
NAIDOC	National Aboriginal and Islander Day of Observance Committee
NOW	New Opportunities for Women
NRT	North Regional Technical and Further Education
OICS	Office of the Inspector of Custodial Services
OSH	Occupational Safety and Health
PEC	Prison Education Coordinator
PSO	Prison Support Officer
PSP	Peer Support Prisoner
RTO	Registered Training Organisation
SDERA	School Drug Education and Drug Aware

## ABBREVIATIONS

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TM	Transitional Manager
TOMS	Total Offender Management Solution
TOP	Transport Options Program
VSO	Vocational Support Officer
VJ	Visiting Justice
VTS	Vocational Training Services
WKRP	West Kimberley Regional prison
WSO	Women's Support Officer

# Appendix 2

## REFERENCES

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CCC. (2018). *Report into inadequate supervision of prisoners whilst in the community*. Perth: Corruption and Crime Commission.

DCS. (2012). *West Kimberley Regional Prison Philosophy*. Perth: Department of Corrective 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 West Kimberley Regional Prison, Report No. 113*. Perth: Office of the Inspector of Custodial Services.

# Appendix 3

DEPARTMENT OF JUSTICE RESPONSE

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Government of **Western Australia**  
Department of **Justice**  
**Corrective Services**

## **Response to the Announced Inspection: West Kimberley Regional Prison 2020**

**November 2020**

## DEPARTMENT OF JUSTICE RESPONSE

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Response to the Announced Inspection:  
**West Kimberley Regional Prison 2020**

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

The Department has reviewed the report and noted a level of acceptance against the 10 recommendations.

Attachment A contains comments for your attention and consideration.

## DEPARTMENT OF JUSTICE RESPONSE

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Response to the Announced Inspection:  
West Kimberley Regional Prison 2020

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### Response to Recommendations

#### 1 The Department and WKRP should take urgent steps to engage AVS and local community Elders to support Kimberley Prisoners.

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services  
**Proposed Completion Date:** 30 June 2021

**Response:**

The Department supports the recommendation and has undertaken the following in response to the recommendation:

- An AVS visitor commenced employment on the 24 August 2020 on a casual basis, working three days per week who provides support to at-risk, vulnerable prisoners.
- The Elders Program was established in March 2020 as part of the Kimberley Offender Management Program and consists of 10 Elders representing the vast areas across the Kimberley. The Elders are currently visiting WKRP intermittently, however it is envisaged that an Elder will attend WKRP fortnightly with the Program's Community Corrections Officer to attend induction meetings as well as spending time in the Cultural centre. Elders are currently restricted to being escorted and supervised until the Department has received a full screening clearance for them and Departmental Identification is provided. This will allow the Elders to visit WKRP unsupervised and not requiring an escort.

#### 2 Culturally appropriate training at WKRP should equip all staff to comprehensively support Kimberley Aboriginal prisoners.

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons  
**Proposed Completion Date:** 30 June 2022

**Response:**

The Department currently provides generic cultural awareness training through the Training Academy. This training is delivered to all new recruits as part of the Entry Level Training Program.

A cultural emersion training package that embraces the culture and traditions of the Kimberley region is being developed by WKRP in consultation with AVS, locally employed Aboriginal staff, local Elders and the Training Academy. This is being modelled around the recently developed training for Broome Regional Prison.

It is expected that the training, once developed, will be provided to new staff and also incorporated into the training schedule for existing staff.

## DEPARTMENT OF JUSTICE RESPONSE

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Response to the Announced Inspection:  
West Kimberley Regional Prison 2020

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In addition, the Academy will work with WKRP to convert the training package into an online training module for staff to access as required.

### **3 Improve the Orientation process to ensure that every prisoner receives a comprehensive orientation to the prison.**

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons  
**Proposed Completion Date:** 31 December 2021

**Response:**

The concerns raised by the Inspector in relation to the orientation process for prisoners at WKRP are acknowledged.

WKRP will continue to review the orientation process to ensure consistency with policy and the involvement of peer support prisoners, and the Women's Support Officer for female prisoners.

### **4 WKRP should have a second Life Skills Officer position to support self-care.**

**Level of Acceptance:** Supported in Principle  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons  
**Proposed Completion Date:** 31 December 2021

**Response:**

The addition of a second Life Skills Officer will be considered in the next review of WKRP's Staffing Level Agreement.

### **5 Subject to risk assessments and supervision, provide better opportunities for male and female prisoners at WKRP to mix, including opportunities for friends and families to grieve together.**

**Level of Acceptance:** Supported in Principle  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons  
**Proposed Completion Date:** Completed

**Response:**

WKRP acknowledges the importance of male and female prisoners integrating, and allowing friends and family members to provide support to each other.

This is generally achieved subject to a risk assessment and with appropriate supervision. Joint activities include:

- Opportunities are provided for male and female prisoners, including family members, to grieve together;



## DEPARTMENT OF JUSTICE RESPONSE

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Response to the Announced Inspection:  
West Kimberley Regional Prison 2020

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- Monthly sessions for family members to spend time together;
- Kinship groups, especially around cultural, kinship ceremony or sorry business;
- All major events, such as NAIDOC, mental health week, and sporting/special events; and
- Other interactions that are assessed as safe for the operations of the prison.

### **6 Develop and deliver culturally appropriate offender treatment programs for men and women at WKRP.**

<b>Level of Acceptance:</b>	Supported
<b>Responsible Division:</b>	Corrective Services
<b>Responsible Directorate:</b>	Rehabilitation and Reintegration
<b>Proposed Completion Date:</b>	30 June 2022

#### **Response:**

Offender Programs have two FTE for program delivery at WKRP. The two programs with the greatest demand are addressing FDV and AOD for males – this demand is met with the facilitation of Pathways, and Not Our Way (NOW) or Connect and Respect (C&R). NOW and C&R are Aboriginal specific.

The Department supports the delivery of programs to females at WKRP, however, there are insufficient females with similar program needs to justify the scheduling of a criminogenic needs program.

In 2019 the Department conducted an independent review of all criminogenic needs programs. This review highlighted the need to source gender specific and more culturally responsive programs across the state. A three year implementation plan has been developed and recently commenced, which will see improved responsiveness in the suite of programs available state wide

### **7 Industries at WKRP should be developed to support more employment.**

<b>Level of Acceptance:</b>	Supported
<b>Responsible Division:</b>	Corrective Services
<b>Responsible Directorate:</b>	Adult Male Prisons
<b>Proposed Completion Date:</b>	30 June 2022

#### **Response:**

WKRP currently has a number of VSO vacancies impacting the delivery of industries. Recruitment processes have commenced to fill these vacancies.

It should be noted that recruitment and retention to regional and remote areas remains challenging for the Department. This has been raised in previous responses to OICS reports, e.g. Eastern Goldfields Regional Prison 2020.

## DEPARTMENT OF JUSTICE RESPONSE

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Response to the Announced Inspection:  
West Kimberley Regional Prison 2020

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### **8 Increase the life skills support and opportunities for external employment for the women.**

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Women and Young People  
**Proposed Completion Date:** Completed

**Response:**

Female prisoners have resumed working in the main kitchen on Sundays to prepare meals for the homeless, and an additional position for a female prisoner to work within the administration area.

While the Department supports female prisoners undertaking external employment through s.95 activities, it is not always practical at WKRP due to prisoner levels and eligibility. As at 27 October 2020, WKRP has one female approved for external activities. It would not be viable nor practical to send one prisoner out with one VSO on an s.95 activity. It should be noted that during the course of the year, WKRP had seven eligible females participating in s.95 activities four days per week.

As outlined in the response to recommendation 4, the requirement for an additional Life Skills Officer will be considered through a review of WKRP's SLA. Progress on the addition of a second Life Skills Officer will be tracked through the outcome of recommendation 4.

### **9 WKRP needs better Departmental oversight of the Kimberley re-entry service provider contract.**

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Rehabilitation and Reintegration  
**Proposed Completion Date:** Completed

**Response:**

In early 2020, the Contract Manager (CM) increased the level of monitoring and liaison with WKRP and Centacare to ensure regular feedback on the service delivery of Centacare was being obtained, and performance issues were being identified as early as possible.

As of September 2020, issues that were raised early in the year have been addressed and no further issues or concerns have been raised either by WKRP or Centacare in relation to service delivery. Furthermore, Centacare commenced the delivery of an additional program in October 2020, Parenting Advice and Support Services (PASS).

The CM will continue to monitor the service delivery of Centacare to ensure performance issues are addressed in a timely manner.

In addition, the WA Office of Crime Statistics and Research (WACSAR) has commenced an evaluation of all Adult Rehabilitation and Reintegration contracts on

## DEPARTMENT OF JUSTICE RESPONSE

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Response to the Announced Inspection:  
West Kimberley Regional Prison 2020

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behalf of the Department to inform decision making regarding the Contracts. It is anticipated that the WACSAR report will be finalised by December 2020, and will further guide the Department in the management of its rehabilitation and reintegration contracts.

**10 Ensure that lessons learned from the WKRP build are considered in the planning of a new Broome prison.**

<b>Level of Acceptance:</b>	Supported
<b>Responsible Division:</b>	Corporate Services
<b>Responsible Directorate:</b>	Procurement, Infrastructure and Contracts
<b>Proposed Completion Date:</b>	Completed

**Response:**

The Department has developed a list of issues identified with the build of WKRP for consideration in the planning and development of a new Broome Regional Prison.

It should also be noted that the architects and consultants engaged in the design of the new Broome Regional Prison will have knowledge of the local climatic conditions of the region.

# Appendix 4

## INSPECTION DETAILS

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### INSPECTION TEAM

Eamon Ryan	Inspector
Lauren Netto	Principal Inspections and Research Officer
Matthew Boyd	Inspections and Research Officer
Charlie Staples	Inspections and Research Officer
Kieran Artelaris	Inspections and Research Officer
Natasha Erlandson	Inspections and Research Officer

### KEY DATES

Formal announcement of Inspection	25 November 2019
Pre-inspection community consultation	20 January 2020
Start of virtual inspection	6 April 2020
Completion of virtual inspection	7 May 2020
Inspection exit debrief	9 September 2020
Draft Report sent to the DoJ	5 October 2020
Due date for return of Report from DoJ	30 October 2020
Draft Report returned by DoJ	13 November 2020
Declaration of prepared report	20 January 2021

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



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