



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

# **Response to Review:**

**Management of prisoners requiring protection**

**February 2022**

Version 1.0

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## Response Overview

### Introduction

The review into *Protection Prisoners* was announced by the Office of the Inspector of Custodial Services (OICS) on 15 July 2021. A wide range of documentation, statistics and access to systems, policies, processes, custodial facilities including staff, prisoners and contractors were made available to OICS upon request for the purpose of the review.

On 12 January 2022, the Department of Justice (the Department) received a draft report on the *Management of prisoners requiring protection* from OICS for review and comment. The draft report has highlighted key findings and made ten recommendations. The Department has reviewed the draft report and provides comments and responses to the recommendations as outlined below.

Appendix A contains further comments linked to sections in the report for the Inspector's attention and consideration.

### Review Comments

The Department is committed to the safety and security of all prisoners in its care and provides protection placement options to prisoners who need protection from others.

The Department acknowledges there has been an increase in protection prisoners over the years for a number of reasons, including an increase in the number of prisoners requesting protection, prisoners not wanting to give up their protection status, increased complexities of the prisoner cohort coming through the system and an inconsistent assessment and review process.

A new policy for protection prisoners has now been introduced. *COPP 4.10 Protection Prisoners* was implemented in December 2021 which provides clear policy on protection referrals, assessment and review processes. The COPP also calls for the establishment of a Protection Multi-Disciplinary Team (PMDT) based at each of the protection prison sites.

The role of the PMDT is to risk assess and make decisions on all new referrals for protection and to establish processes for the ongoing review of the protection status of prisoners already on protection. It is expected this will allow the Department to better manage protection prisoners in its care.

The Department's priority is keeping prisoners safe and at times this may lead to restrictions placed on prisoners in protective custody such as limited access to a range of employment opportunities, access to programs, education and recreation. However, as the report rightly points out, prisons have a duty of care to safeguard all prisoners, and every effort is made to provide this cohort with the same opportunities as mainstream prisoners where it is safe to do so.

The report claims protection prisoners are vulnerable to mental health due to isolation, boredom and bullying, and that protection prisoners are more frequently referred to the At Risk Management System (ARMS). This premise is not supported by prisoner data. Protection prisoners are not isolated as they are placed in units with other protection prisoners. Data extracted as at 15 February 2022 also shows only 2.9% of the protection prisoners (19 of 698) have active ARMS alerts. There is no distinction made between protection prisoners and mainstream prisoners. Irrespective of a prisoners' circumstances and placement, if they are at risk to themselves, immediate

action is taken in the interest of their safety and they are placed on ARMS. The risk assessment commences at reception and is used to assess the potential for suicide/self-harm behaviours throughout a prisoner's sentence, and all prisoners are afforded the same levels of mental health supports regardless of their placement.

The report has correlated parole denial (due to unmet treatment needs) and cost per prisoner per day. As is pointed out in the report, parole decisions are complex and take into consideration multiple factors, not just completion of treatment needs. The decision to approve or deny parole will take into account poor responses to prior community supervision orders, convictions for breaches of the orders, prior criminal history, non-compliant and abusive behaviour whilst incarcerated and failure to comply with prison rules. It is also not uncommon for parole to be denied at the prisoners' request.

However, the Department acknowledges that the provision and delivery of criminogenic programs is challenging, not only across the prisons in Western Australia, but across national jurisdictions. The geographical spread of the prisons in Western Australia can also impact program delivery and the Department has made significant efforts to resolve the issue. It is currently investigating modularised programs that could provide prisoners improved access to criminogenic programs and a better chance of program completion.

The Department expects the new COPP 4.10 to bring about positive change in the management of protection prisoners in its care. A review of the COPP scheduled to occur in 2023 will provide further opportunity to assess and refine the policy as part of the Department's continuous improvement processes.

The Department supports the majority of the recommendations made by the Inspector as they align to current practice and projects that have been initiated by the Department.

## Response to Recommendations

### 1 Develop procedures for the use of self-harm alerts on the offender database.

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services  
**Proposed Completion Date:** 30 June 2023

#### Response:

The Department acknowledges there should be clear understanding and procedures for the use of alerts on the offender database.

An initial examination of the data shows prisoners who self-harm are primarily managed under the ARMS process with ARMS alerts activated and subsequently deactivated as part of this process. History of deactivated ARMS alerts are easily accessible by all custodial staff and this is a reliable indication of a prisoner's self-harm history.

The self-harm history alert is mostly activated by the PRAG (multidisciplinary team) on a case-by-case basis upon deactivation of the ARMS alert.

Following the review of At-Risk Management in WA custodial facilities, a working group has been established to focus on improvements to the ARMS and SAMS processes. Scope of this work will be expanded to include a review of the use of the self-harm history alert. Progress will be monitored under the governance of the Suicide Prevention Steering Committee.

### 2 Expedite the delivery of mental health training for peer support prisoners. If this training cannot be rolled out before the end of 2022, provide peer support prisoners with interim mental health first aid training.

**Level of Acceptance:** Supported - Current Practice/Project  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services  
**Proposed Completion Date:** Closed

#### Response:

Gatekeeper training for the Peer Support Team took place on 20 and 21 December 2021 at Casuarina Prison facilitated by internal DoJ staff. Additional training for staff and prisoners is planned for other sites in 2022. Managers from MHAOD are also exploring the suitability of alternative programs for use in 2022.

Additional training and dates have been identified at several other sites during 2022 and covers a range of topics including Understanding the Assessment and treatment programs process, Cert IV in Mental Health, Communication and PST Training.

**3 Increase the range of employment opportunities available to protection prisoners and investigate adaptive approaches that can be implemented in periods of protection population growth to ensure employment equity does not deteriorate as numbers increase.**

**Level of Acceptance:** Supported - Current Practice/Project  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons  
**Proposed Completion Date:** Closed

**Response:**

The Department's priority is to keep prisoners safe. Employment opportunities are made available to protection prisoners within the units and external to the units where possible.

Protection prisoners generally remain within the units for safety reasons and the Department remains committed to the safety and welfare of all prisoners.

**4 Urgently review the placement options of protection prisoners at Hakea Prison who are sentenced and have incomplete treatment needs.**

**Level of Acceptance:** Supported in Principle  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons  
**Proposed Completion Date:** 31 December 2022

**Response:**

The Department agrees sentenced prisoners should not be accommodated at Hakea Prison, being a remand facility, and alternative accommodation is generally sourced. The Department's priority however will always be the safety and welfare of the prisoners.

There are several impediments to moving sentenced prisoners to alternative locations. These include: risk to and from alerts, OMCG issues, intelligence, security classification, etc. The Department will continue to review the sentenced protection prisoners at Hakea to determine alternative placement.

**5 Investigate opportunities to improved access to criminogenic treatment programs for protection prisoners and other offenders more broadly, including;**

- **Identifying programs that may be suitable for cohorts that are smaller in number;**
- **Investigating the use of modularised and open-ended programs;**
- **Identifying for trial, potential modularised and open-ended programs;**
- **Investigating the re-establishment of sex offender treatment programs at Casuarina Prison; and**
- **Investigating the availability of voluntary programs (criminogenic or non-criminogenic) for remand prisoners and those service sentences less than six months.**

**Level of Acceptance:** Supported  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Offender Services  
**Proposed Completion Date:** 30 June 2023

**Response:**

The Department's intent is to change program delivery through modularised treatment programs. Work will be undertaken to investigate options that will enable this to occur.

**6 Improve data input and extractability in the offender database to enable greater oversight of prisoner cohorts and the delivery of services.**

**Level of Acceptance:** Supported - Current Practice/Project  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Corporate Services  
**Proposed Completion Date:** Closed

**Response:**

The Department considers enhancements to the offender management system (TOMS) on a regular basis and acknowledges the need for improvements to data input and extractability. Currently the Department's capability for data analysis necessitates information harvesting from separate silo systems and inefficient manual and paper-based processes.

The importance of integrating these systems and digitising manual paper-based processes has been recognised and identified as a key initiative in the Department's Long-Term Custodial Technology Strategy. The work will require significant resources and funding.

Separate budget submissions to fund individual components of the strategy are being made to Treasury to access the Government's Digital Capability Fund under the WA Digital Strategy 2021-2025.

**7 The Department to consider exempting Serco of their contractual requirement to complete fortnightly review of protection alerts at Acacia Prison.**

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

**Response:**

The Acacia Prison Services Agreement requires Serco to regularly assess, at least fortnightly, protection arrangements for these prisoners. This obligation is completed by a Case Management Officer rather than the Protection Multi-Disciplinary Team which the COPP requires for the six-monthly reviews. Because this requirement imposes a greater standard or higher requirement than the COPP, Serco is contractually required to deliver both the fortnightly and six-monthly reviews.

**8 Establish an agreed process, timelines and reporting mechanism with Acacia, Casuarina and Hakea prisons to review all existing protection alerts using COPP 4.10. Identify priority groups of prisoners to be reviewed first and set deadlines for their completion.**

**Level of Acceptance:** Supported - Current Practice/Project  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons  
**Proposed Completion Date:** Closed

**Response:**

Part of COPP 4.10 includes a new management system through the establishment of a Protection Multi-Disciplinary Team (PMDT) based at prison sites. All referrals will be reviewed and recommendations made by the PMDT.

PMDT will add, remove and update protection alerts and shall review all referrals at the next scheduled PMDT meeting or within 28 days of receipt of referral form, whichever is earliest.

**9 Conduct a 12-month post-implementation review of COPP 4.10 and its effectiveness in reducing the population of the protection prisoner cohort.**

**Level of Acceptance:** Supported - Current Practice/Project  
**Responsible Division:** Corrective Services  
**Responsible Directorate:** Adult Male Prisons  
**Proposed Completion Date:** Closed

**Response:**

Review of all COPPs forms part of the Departments already established policy review process.

COPP 4.10 was implemented on 28 December 2021 and forms part of the review schedule. Consultation will be undertaken with relevant business areas between January - March 2023.

**10 Develop a protection module on the offender database and digitise paper-based protection-related documents.**

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

**Response:**

COPP 4.10 Protection Prisoners was implemented on 28 December 2021. The current management of the protection prisoners is in line with the new COPP. Developing a specific module for protection prisoners on the offender database at this stage will not provide any enhancements.

Digitisation of paper-based processes will occur as part of the Department's Long-Term Technology Strategy - refer recommendation 6 above.