



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

2021 INSPECTION OF ACACIA PRISON

146

NOVEMBER 2022

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2021 Inspection of Acacia Prison

Office of the Inspector of Custodial Services
Level 5, Albert Facey House
469 Wellington Street
Perth WA 6000
Whadjuk Noongar Boodja

www.oics.wa.gov.au

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Inspector's Overview

ACACIA HAS TRANSITIONED TO THE NEW CONTRACT AND MUST NOW RETURN TO THE STABILITY AND PERFORMANCE LEVELS WE HAVE SEEN IN THE PAST

Acacia has been through a turbulent few years. By the time of our inspection in November 2021, Serco had been awarded a new contract to operate Acacia for a five-year term, with two extension options. During the inspection we heard first hand of the impact the bid process had, in terms of time and resource commitments, on key members of the prison leadership. Once the contract was awarded, attention then shifted to developing an implementation plan to transition to the requirements of the new contract. Once operational readiness was acknowledged in May 2021, Acacia could start looking for greater stability and return to normal operations.

But towards the end of our inspection we heard that a new Superintendent would commence at the end of the year. And further instability was evident with three key members of the leadership team about to leave or having recently left the prison.

It was not surprising then, that we found many areas in Acacia to be less settled and not performing to the standards we had seen in past inspections.

One of the most striking aspects of the inspection was a constant and loud complaint from uniformed staff about staff shortages and the impacts of regular cross-deployments. Our first recommendation was directed at addressing this issue, but it was not supported by either the Department or Serco. Both disputed that there were staff shortages and pointed to compliance with the agreed contractual terms for staffing levels to operate Acacia. Serco also noted that it had run several training schools for new custodial officers. This later point is noteworthy, as we heard during the inspection that this was one issue that had perhaps been missed during the bid and transition process (i.e. ongoing recruitment of staff to deal with day-to-day attrition rates). Regardless of which view is accepted as correct, the concerns we heard from staff were real and we felt worthy of attention. Only time will tell whether the additional recruitment fixes the problem.

Acacia generally has a population comprising of medium-security prisoners serving varied terms of imprisonment. At the time of our inspection approximately 37 per cent of these identified as Aboriginal men. Yet only 12 staff had self-identified as Aboriginal. We have observed in several previous inspections of Acacia the importance of having more proportional representation of Aboriginal staff across all work groups in the prison. Our reports, and not just for Acacia, have documented the benefits of offering culturally responsive services, with skilled Aboriginal staff across all areas, but particularly in custodial, education, health, programs, employment, and welfare support. This report is no different and again contains commentary and recommendations along the lines we have made previously. In the past, initiatives to generate improvement across these areas have been tried, but ultimately were not that successful.

It is noteworthy that the new operations contract contains specific initiatives to improve Aboriginal workforce participation and cultural awareness training for all staff. It also includes initiatives to improve culturally appropriate support, rehabilitation, accommodation, and health services for Aboriginal prisoners. Given that these are now specific contracted deliverables, we hope to see real progress in services and supports for Aboriginal men.

ACACIA HAS TRANSITIONED TO THE NEW CONTRACT AND MUST NOW RETURN TO THE STABILITY AND PERFORMANCE LEVELS WE HAVE SEEN IN THE PAST

At the time of the inspection we heard of significant disruption to the health centre arising from changes to the staffing model. Several vacancies existed in both the general health team and the mental health team. Our expert assessed that these vacancies were having an overall negative impact on the delivery of clinical care to prisoners.

We have previously documented concerns about dysfunction and disruption in health services at Acacia. Following our 2016 inspection recommendation, Serco undertook an independent review of health services and made structural and staffing changes. In 2019, we noted improvements in health services as a result of those changes, particularly the initiative to bring the alcohol and other drugs (AOD) and mental health teams together. But in 2021 we again saw significant disruption, most notably to the staffing model and the decision to separate AOD from mental health. These changes appeared to be having a negative impact on the morale of staff and a reduction of services to prisoners.

Acacia has been dealing with the impacts and consequences of recent deaths in custody and we understand that these matters are still before the Coroner for determination. But it was surprising to hear that only one of two Prison Support Officer positions had been filled and the remaining officer had been on extended absence for some time before our inspection. It is fair to acknowledge however, that Serco's response to our draft report noted that the second position had been filled. Our report also documents concerns that only 10 of the 24 allocated Peer Support Worker positions had been filled. We also understand that the Aboriginal Visitor Service was not providing a service to Acacia. All of these are vital welfare supports for all prisoners, not just Aboriginal prisoners, who may be struggling and need constant attention and vigilance to ensure they are operating at an optimal level.

Things became even more complicated for Acacia in the months following our inspection. On 27 February 2022, a major disturbance occurred in the residential Kilo Block, resulting in staff being under significant attack, and extensive physical and fire damage to the block. During the riot, which went for several hours, prisoners obtained access to parts of Romeo Block, the heavy industries complex located next to Kilo Block, and caused significant fire damage. After several hours, the Department's Special Operations Group and Serco's Centre Emergency Response Team, with assistance from the Western Australian Police Force, the Department of Fire and Emergency Services, and other support agencies brought the riot under control.

The damage caused to both Kilo Block and Romeo Block will require significant remediation and reconstruction work. We understand that for a variety of reasons, including a dispute over insurance coverage, these works have not yet commenced. The overall result is more uncertainty with significant disruption to the industry workshops impacted by the damage. This will no doubt affect many of the plans that we had been told were being put in place to extend employment opportunities for the men.

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Acacia will continue to be disrupted once the actual reconstruction work commences so there is likely to be some ongoing uncertainty, particularly around the employment options that can be offered in the interim. We will continue to monitor progress and return to full scale normal operations.

ACKNOWLEDGMENTS

We have three Independent Prison Visitors who are community volunteers appointed by the Minister for Corrective Services. They attend Acacia on a regular basis providing an opportunity for the men to raise issues and feedback that information to our office. I acknowledge the importance of their work and thank them for the contribution they have made to our ongoing monitoring of Acacia.

It is important to also acknowledge the support and cooperation we received throughout the inspection from the Superintendent and staff at Acacia and from key personnel in the Department. The men at Acacia who took the time to speak with us and share their perspective also deserve our acknowledgement and thanks.

I want to acknowledge and thank our three independent experts, Dr Natalie Pyszora, Ms Janet Connor and Mr Colin Campbell, their expertise and contribution to our inspection has been immensely valuable.

Finally, I would like to thank the members of the inspection team for their expertise and hard work throughout the inspection. I would particularly acknowledge and thank Jim Bryden for his hard work in planning this inspection and as principal drafter of this report.

Eamon Ryan

Inspector of Custodial Services

3 November 2022

EXECUTIVE SUMMARY

This report details the findings of our eighth inspection of Acacia Prison, conducted in November 2021.

The inspection was guided by our Code of Inspection Standards for Adult Custodial Services. The findings and recommendations in this report are based on evidence gathered from multiple sources throughout the inspection process. Our findings this inspection led to 12 recommendations (see pages viii – ix).

In the two years leading up to the inspection, Serco had undergone and won a tender process for a new contract to operate the prison. Once the contract was awarded, Serco developed a transition plan to satisfy the obligations under the new agreement. On May 16, 2021 the State Government acknowledged the achievement of operational readiness and approved the commencement of operations.

The period associated with the tender process had a noticeable impact across most areas of the prison. Along with uncertainty among staff, there was noticeable slippage in the performance levels and standards we had become accustomed to at Acacia.

However, there were many notable positives occurring throughout the prison. These included:

- visits and family connections were operating well
- security and emergency management were still proactive in implementing improvements
- industries were working toward a full day's work for prisoners through a new core day proposal
- education was using initiatives such as mentors who assisted young adults to access education, employment and training;
- training was progressing positively with 67 traineeships and further developments were seeking to increase this number
- programs and voluntary programs were offering a large range of both mandatory and voluntary programs.

Resettlement had also had a major boost with stronger engagement with ReSet, and the commencement of the Parole In-reach Program and the Real Support Network.

But some uncertainty was likely to continue as it was announced during the inspection that the Superintendent was leaving, and the new position holder was expected in December 2021. Changes in Acacia's operation and direction, as a result of the new contract were now on hold and left to the incoming Superintendent to either implement or introduce his own changes.

Staff from different areas of the prison raised concerns around staffing levels in operations, administration, and services; all areas vital to the welfare of the prisoners. Staffing levels will need attention to ensure Acacia returns to the high levels of performance it has achieved in the past.

EXECUTIVE SUMMARY

As part of the bid for the new contract, Acacia was developing a new core day. This will work toward full employment (full day) over a two-day or three-day fortnight, rather than the current am/pm daily shifts. The focus will be on employment in industries, education, training, or programs. This has significant potential, mirroring what occurs in the community and reducing movement throughout the prison. It could also possibly create other employment opportunities. However, some staff expressed uncertainty about how it will work. This will need to be addressed to bring all staff on side for the change.

There was a genuine commitment from all staff to keep the prison open and running to a structured day. While this was commendable and showed an understanding that prisoners are more manageable when active and occupied, it was sometimes to the detriment of staffing levels.

The appointment of an Aboriginal Cultural Advisor was positive, but there was a need for more proportional representation of Aboriginal staff across all areas. Welfare support was good, but some aspects needed attention. This included: filling the vacant Prison Support Officer position, and Peer Support Workers being based in all units and the appropriateness of their role in the risk assessment system.

Overall, the prison was still operating well. However, there was a level of uncertainty across many areas of the prison to an extent we have not seen in recent inspections. This appeared to be affecting the performance, standards and attitude of staff and needs to be addressed as quickly as possible to achieve the prison's obligations under the new agreement.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

Review staffing levels and implement recommended changes to ensure there are adequate staff numbers for the safe operation of the prison.

RECOMMENDATION 2

Review physical storage capacity and practice and implement recommended changes to safely and securely store prisoner property while eliminating work health and safety risks for staff.

RECOMMENDATION 3

The Department should exempt Serco from their contractual requirement to complete fortnightly reviews of protection alerts.

RECOMMENDATION 4

Acacia should ensure that there are Peer Support Workers in every block throughout the prison.

RECOMMENDATION 5

Acacia should:

- Review the existing policy to manage perpetrators and victim of bullying and standover to ensure that it meets the requirements contained in COPP 10.6 Anti Bullying; and
- Implement the revised policy and regularly review its effectiveness to ensure the policy requirements are being met.

RECOMMENDATION 6

Recommence the internal visits crèche service for visiting children.

RECOMMENDATION 7

Staff should conduct regular health and hygiene inspections of cells and record and action any health and hygiene issues including replacement, repair or cleaning of mattresses and pillows.

RECOMMENDATION 8

The prison should review the appropriateness of the role of the Peer Support Workers within the Prisoner Risk Assessment Group process and implement recommended changes.

RECOMMENDATION 9

Acacia should ensure there are sufficient Prison Support Officers to adequately supervise Peer Support Workers and there is equitable representation of Peer Support Workers in each block and unit.

LIST OF RECOMMENDATIONS

RECOMMENDATION 10

Ensure there is consistency in the management of prisoners and in operational practices of both shifts.

RECOMMENDATION 11

Implement an effective screening process that leads to a proactive offer of assistance to all eligible prisoners.

RECOMMENDATION 12

Serco actively seek and employ an Aboriginal education worker.

FACT PAGE

NAME OF FACILITY

Acacia Prison

ROLE OF FACILITY

Medium-security prison for adult males.

LOCATION

Wooroloo, 55 kilometres east of Perth.

The Traditional Owners of the land are the Noongar people.

BRIEF HISTORY

Acacia Prison opened in May 2001. The facility is owned by the Department of Justice and the operation of the prison has been contracted to the private company, Serco. It is the only privately-operated prison in Western Australia.

In 2021 Serco were successful in their bid for the new Acacia contract.

INSPECTION DATES

10–19 November 2021

BED CAPACITY

1,525

Chapter 1

INTRODUCTION

1.1 ACACIA PRISON

This was the eighth inspection of Acacia Prison (Acacia). At the time of our inspection in November 2021, we found it to be emerging from a difficult period of uncertainty around the development of a new contract bid and then the operational transition into that contract.

Understandably, the tender process for the new contract had a big impact on the operations of the prison in the year prior to this inspection. Once the contract was awarded to Serco on 16 December 2020, it was required to develop a plan to satisfy the transition obligations under the new agreement. The Western Australian State Government acknowledged the achievement of operational readiness and approved the commencement date for operations under the new agreement as 16 May 2021.

By the time of the inspection six months later, the prison was just starting to return to normal operations under the new agreement. But further uncertainty was imminent with the announcement that the current Superintendent would be departing with his replacement commencing in late December 2021.

Chapter 2

GOVERNANCE

2.1 LEADERSHIP AND DIRECTION

Looking to stabilise after a period of change

During the inspection period we were informed that four key leadership positions for the operation of Acacia had been or were soon to be vacated. These were the Operations Director of Justice, the Superintendent, the Deputy Superintendent Security and Operations, and the Finance Business Partner.

These vacancies, and several others pre-existing within the prison, raised stability concerns at a time when Acacia was seeking to return to business as usual. Changes in leadership often require a period for new management to settle in and establish relationships and for staff to develop an understanding of the operational style of the new leader. Additional positions being vacated at the same time may lengthen the period of adjustment.

In the past Serco have demonstrated smooth transitioning when leadership positions changed, and this provided us with some reassurance.

2.2 STRATEGIC PLANNING

An updated business plan was required to reflect the new contract

Experience has shown that well-managed organisations usually have clearly articulated plans that set direction, culture, and operating philosophy. During our inspection, we found that Acacia did not have a current business plan. But we were told that there were mitigating circumstances as to why this was the case.

As part of our pre-inspection document request, we were provided with a copy of the Acacia Business Plan 2020. While the plan was marked as draft, it looked reasonably comprehensive. It had a clear and detailed vision statement:

To establish Acacia as a best practice and innovative facility across Australian jurisdictions, focussing on a risk needs based approach to offender development and offender management. Lead Western Australia in the rehabilitation and reintegration of offenders whilst providing humane secure containment. Deliver service that enhances our customer values and strategic plan whilst maintaining our focus on prisoner and community outcomes.

It also allocated responsibility for initiatives along with timeframes for achievement, which were important elements. However, we were told that following the awarding of the new contract, the business plan was no longer current. A new plan was to be developed that was consistent with the requirements in the new service agreement.

Since May 2021, the focus at Acacia had been on ensuring the transition met the requirements set out in the new contract. This was understandable because a failure to comply with performance measures could result in financial penalties.

GOVERNANCE

2.3 ENVIRONMENTAL SUSTAINABILITY

A positive start to sustainability measures with more planned

Prisons are high users of energy and resources, and they generate an enormous amount of waste. Acacia, as the largest prison in the state is no exception. Acacia had some recycling initiatives, such as bins to recycle cans, bottles and cardboard, and a small local initiative for environmentally friendly recycling of water used to wash paint from paint brushes.

Although there was no recycling facility, there were plans to develop an old workshop in Hotel Block into a recycling centre. Recycling options for food waste (estimated at 1,200 kilograms per week) were also being explored. This involved dehydrating wastage to approximately 10 per cent of its total weight for use as compost in gardens.

Unlike many other large prisons, there are no substantial market gardens at Acacia. This is a missed opportunity to supplement the supply of fresh vegetables and herbs to the kitchen. It would also be an opportunity for prisoner employment and possibly even horticulture traineeships.

Under the Western Australian Plastics Plan 2020–2023 (DWER, 2021), all single use plastics such as plastic plates, cutlery, stirrers, thick plastic bags and polystyrene food containers had to be phased out by the end of 2021. Acacia had commenced trialling options to conform with this plan. Alternatives for single use cutlery had been identified and other options for food containers were being explored. Both are commendable sustainability initiatives. We were told that the replacements will be phased in once current stocks had run out. Acacia were also introducing mesh bags for packing canteen spends, replacing the plastic bags that were previously used.

The prison's gardens were watered using recycled water from the treatment plant. This reduced the need for scheme water. Most of the gardens held native plants which, once established, required very little water.

There was no program developed to reduce power usage and more could be done to save water. Some time ago, Acacia did explore the use of renewable energy (hydrogen) to become the first carbon neutral prison. However, we were told that the Department of Justice (the Department) did not approve the initiative.

2.4 COMMUNITY RELATIONS

Positive relations with service providers but no community consultation

From our pre-inspection consultation processes we found that Acacia had good working relationships with the many external organisations which provided services to the prison. While relations with service providers were positive, there was little or no community consultation.

Acacia did not have a formal community reference group. However, it did have an internal Reparations Committee comprising of Serco employees, which we were told was the vehicle for community engagement, as and when required.

GOVERNANCE

Acacia did not have an Aboriginal Consultative Group, despite almost 37 per cent of its population being Aboriginal men from all over Western Australia. At the time of the inspection, the prison had recently appointed an Aboriginal Cultural Advisor, who was part of the Senior Management Team (SMT) and reported to the Superintendent. The role was to provide cultural influence on decisions made at the highest level in the prison. This was a positive initiative that had the capacity to add value for both staff and prisoners alike.

2.5 HUMAN RESOURCES

Low staffing levels

Throughout the inspection we heard concerns from most staff groups about low staffing levels. The frequency and consistency of these was enough to indicate that a problem existed.

Cross-deployment of staff from their rostered areas was a frequent complaint from custodial staff. We were told that policy at Acacia was to ensure the prison remained open with as much routine activity going ahead as possible. We support this position, providing that the safety of staff and prisoners is not compromised.

We heard examples of when the daily roster for custodial staff fell well short of the allocated numbers despite staff being called in on overtime. With around 105 staff required for the day shift, there were two examples given to us where there were only 68 staff at work on one day and 89 staff on the other. On both occasions staff on overtime had been called in but not all the vacancies could be filled.

We were also told of significant shortages on night shifts. In one example given, with staff booking off sick or undertaking required hospital sits, the number of staff in the prison had been as low as four officers. This presents an unacceptable risk should there be a need to unlock a prisoner or conduct an emergency hospital escort. Again, we were told that there was overtime available for staff to cover such shortfalls, but often there were not enough staff willing to do overtime to cover absences.

At the time of the inspection, recruitment was occurring to address staff shortages. A small school of 13 officers was graduating shortly after the inspection, and a larger group commencing training almost immediately after that. The commitment to keep the prison operating as close to normal routine as possible was commendable, but it was having a noticeable impact on staff, particularly custodial staff.

Many staff we spoke to throughout the prison commented that the quality and standard of services, such as cell inspections and searches, had fallen. Many said they were almost tokenistic due to the increased workload from short staffing. Staff were not happy with the situation but told us they felt that the reduction in quality (due to time constraints) was the only way they could still meet their compliance commitments and responsibilities.

GOVERNANCE

There were also staffing shortages and reductions in other areas such as the prisoner trust team, education, programs, and health. Staff shortages and reductions often put pressure on existing staff to absorb the duties previously undertaken by others. We heard that the areas mentioned above had significant work load increases and staff were concerned whether the workload was sustainable while maintaining quality of service.

We also heard that several management positions had significant portfolio expansions and realignment under the new agreement.

Recommendation 1

Review staffing levels and implement recommended changes to ensure there are adequate staff numbers for the safe operation of the prison.

A need to increase Aboriginal staffing numbers

During the 2018 inspection, we were told of plans to increase the number of Aboriginal employees at Acacia (OICS, 2019). But during this inspection we found little change. Acacia had 12 staff who identified as Aboriginal, which was disproportionate to the percentage of Aboriginal prisoners (37%).

Prisons can achieve better outcomes for Aboriginal prisoners if they have culturally appropriate systems and support services. Having a reasonably proportionate representation of Aboriginal staff is one way to achieve improved cultural understanding and practice.

We were told that Serco is engaging with a national recruitment consultant to increase the number of Aboriginal staff across the organisation. We will monitor results to see if there is an improvement in the numbers of Aboriginal staff across all areas at Acacia.

Chapter 3

EARLY DAYS IN CUSTODY

3.1 ADMISSIONS

Admissions and discharges remain constant

Acacia only receives medium-security, sentenced prisoners which means that transfers and discharges were regular and planned. Reception staff were usually aware of who and how many prisoners they were receiving each day. The staff in the reception centre were experienced and procedures and processes were well organised and understood.

As a private prison, Acacia is bound by its contract to keep its population within a specified range. As a result, Acacia's population varies marginally, and the work of its reception centre is steady and predictable. In the 2020–2021 financial year, Acacia's reception centre received 1,853 prisoner admissions, and processed 1,913 discharges. This equated to an average of five receptions and five discharges per day, seven days a week, similar to figures reported in our 2018 inspection (OICS, 2019).

3.2 RECEPTION

Reception processes were disrupted at crucial times

We were told that reception processes were regularly affected by cross-deployment of staff. While the normal staffing levels required three staff, it was often reduced to two or even one through cross-deployment to cover lunchbreaks in other areas. This affected reception processes as prisoner transports arrived at around the same time as staff were required to cross-deploy. Reduced staffing levels sometimes resulted in new arrivals being kept in holding cells or even in vehicles for up to 30 minutes, waiting for staff to return.

Prisoners waiting to be discharged to freedom were also subject to delays for the same reason which could, in turn, keep the prisoner's family and/or friends waiting.

Although Acacia is not a receiving prison, being transferred to a new prison may cause prisoners anxiety, frustration or anger. Being left in a parked truck or holding cell is unlikely to ease such feelings. This practice poses an increased and unnecessary risk to prisoners but also to the staff who must manage vulnerable or volatile prisoners during and after the reception process. Without investigating alternatives to this practice, and by allowing the cross-deployment of reception staff at critical times, Acacia was knowingly accepting such risks.

3.3 PROPERTY

Property resources had been increased but issues remained

In 2018, we found that Acacia's property store was at capacity following the recent expansion and recommended that additional resources be allocated (OICS, 2019). This resulted in a second Property Officer and some extra external storage in the form of a 20-foot sea container (OICS, 2019). Again, during this inspection we found that property was still facing challenges in relation to workload and storage capacity.

EARLY DAYS IN CUSTODY

Addition of a second property officer

The second property officer position had been of considerable benefit, but even with two officers we were told that there were still workload issues. We heard that one officer was increasingly being cross-deployed to cover staff absences elsewhere in the prison compounding the already high workload. They were also assisting in reception if it was short staffed. On rare occasions, the property officers would forgo their lunch breaks to assist in reception due to the arrival of prisoners. Staff did not want prisoners held in vehicles. But this assistance was compounding their own workloads. This was an unsustainable and unacceptable practice which will only continue without exerted efforts to find a better and more viable solution.

Property store is now past capacity and is an unsafe work environment

Acacia's property store was part of the prison's original build, which became operational in 2001. It was designed to accommodate property for 750 prisoners (OICS, 2003). However, successive expansions have increased the prison's population to around 1,500; double the property store's original design.

All prisoners are allocated two storage bins, one to have in their cell and one to remain in property storage. However, many prisoners had far more property than this, and their excess property also had to be stored safely and securely.

At the time of our inspection, Acacia held almost 50 per cent of the state's life sentence population (lifers). Lifers are characterised as prisoners held on sentences that are either indefinite in term or greater than 14 years. At Acacia, lifers are eligible for special spends, which may, over time, result in the accumulation of significant amounts of property.

Acacia has a quarterly property audit scheme, which involves letters to prisoners reminding them to sign out excess property. Prisoners can appeal and apply for an exemption. However, the amount of property some prisoners were accumulating was becoming increasingly problematic. The 20-foot sea container that was brought in following our last inspection was almost exclusively filled with excess property belonging to lifers. There were also four pallets of excess property held in the external stores. This had been reduced from eight or nine in recent years mainly due to the quarterly property audit.

The property store is located within the reception building with the administration buildings and the medical centre on either side. Therefore, its footprint is restricted, allowing little to no room for expansion. Extra shelving and a mezzanine level have been added over the years, along with a hydraulic platform-lift to ensure safe access to the higher-level storage racks. However, the store is so full, the lift could no longer safely manoeuvre among the racks. Property boxes and other containers on the floor made for cramped conditions, providing significant trip and fall hazards.

We have raised concerns as far back as 2011 about the health and safety risks to those staff working in Acacia's property store (OICS, 2011). Like many prisons in the state, Acacia's population growth has not been met by a corresponding increase in support

EARLY DAYS IN CUSTODY

infrastructure. Sea containers offer a short-term solution, but the storage of such significant amounts of prisoner property requires a long-term, multi-faceted approach. Consideration needs to be given to both physical storage methods and a review of property practices.

Recommendation 2

Review physical storage capacity and practice and implement recommended changes to safely and securely store prisoner property while eliminating work health and safety risks for staff.

3.4 ORIENTATION

Induction processes were thorough, but prisoners still said they were not getting all the information they needed

Induction for new arrivals begins when prisoners are collected from reception by the Induction Officer. Prisoners are escorted to the induction unit in Uniform Block and provided a site tour along the way.

The induction unit comprises one half of Uniform Block, which is only occupied by new arrivals and induction workers, who provide induction support to new men in the prison. Although these workers were not technically peer support workers, they provided a specialised form of support. The induction workers delivered first night inductions covering the daily routine, behavioural expectations, and use of the Custodial Management System (CMS). The induction unit was clean and in good condition, but it was clinical and spartan, lacking any art, posters or other decoration.

Comprehensive induction presentations ran three days a week in the induction unit. They were attended by key service groups including health, Psychological Wellbeing Services (PWS), chaplaincy, sentence management, education/employment, and programs. There was also a Welcome to Country and one-star food safety training. Feedback about the program is gathered from all prisoners before they leave the unit.

We found the induction process to be wide-ranging and thorough. But our pre-inspection prisoner survey results indicated a decline in satisfaction with reception and induction processes. Prisoners were more upset on arrival than they had reported being in previous years (23%, up from 15% in 2015), and they reported finding that staff were less helpful (48%, up from 39%).

Although the reasons for the decline were unclear, one issue that may be a contributing factor was that prisoners no longer receive their own copy of the Prisoner Handbook. This included detailed information on all aspects of life at the prison. But the booklet had become so big it was prohibitively expensive to provide printed copies for each new prisoner. Furthermore, the handbook was no longer available on the CMS as prisoners were spending too long reading it and were getting locked out after five minutes of use.

EARLY DAYS IN CUSTODY

The officers in the unit have hard copies available for borrowing, but they must be returned after each use. Staff preferred prisoners use the CMS over providing the handbook as a resource.



Photo 1: Acacia's CMS kiosks were useful for short inquiries but timed out after five minutes

The Hindsight and Real Steps Network assessments appeared to be good tools

As part of Serco's bid for the new Acacia contract, two new assessments were designed and added to the induction process; the Hindsight and Real Steps Network (RSN) assessments. Both aim to collect background criminogenic information to feed into the prison's new throughcare support model (the Real Steps Network).

The two assessments have been in use since commencing the new contract. However, they are not linked to any key performance indicators (KPIs). While relevant staff told us that they felt that the tools were generally a positive and beneficial introduction, there were concerns about their timing, implementation, and how they were expected to be conducted. At the time of our inspection the assessments were under review. We will continue to monitor the progress through ongoing liaison visits.

Cell placements were subject to the standard assessment

Our inspection standards (Standard 25) state that prisoners should only be allocated to a shared cell after a formal risk assessment (OICS, 2020, p. 13). At Acacia, we found that this was the case. All new arrivals at reception were required to repeat the Department's standard Multiple Cell Occupancy Risk Assessment, which they would have completed when they were first received into custody.

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The Multiple Cell Occupancy Risk Assessment determines a prisoner's suitability to share a cell. It accounts for each prisoner's alerts, mental health and psychiatric history, and may result in a prisoner being found unsuitable to share a cell. At the time of writing, Acacia held 89 prisoners with a 'not to share cell' alert.

Standard 25 also states that where possible, prisoners should not share cells (OICS, 2020, p. 13). But for those without a 'not to share cell' alert, single cell placement is difficult at Acacia. The exception to this is November Block, the prison's self-care accommodation for earned supervision level prisoners, which has single cell allocations.

When new prisoners arrive at Acacia, they spend approximately one week in Uniform Block, to complete the induction program. Once this has been completed, they may request placement in a unit or block to be with friends or family. We heard that this was facilitated when possible, but preferred placement could not be guaranteed.

Chapter 4

DUTY OF CARE

4.1 AT RISK PRISONERS

A cautious approach to the management of at-risk prisoners

Acacia had implemented a cautious, tiered approach to the management of prisoners on the At-Risk Management System (ARMS), but some clinical staff had concerns. The Prisoner Risk Assessment Group (PRAG) were responsible for the management of prisoners on ARMS, as well as those on the Support and Monitoring System (SAMS). PRAG was chaired by the Safer Custody Unit Manager and included representatives from mental health, PWS and custodial staff. In the absence of a Prison Support Officer (PSO) the Aboriginal Liaison Officer (ALO) was also present.

Acacia's guideline for reducing or managing prisoners on ARMS required prisoners to be reduced through each ARMS level. As such, some clinicians felt undermined, as their risk assessment and recommendations were often overridden by management direction. Clinicians told us they would sometimes recommend that a prisoner was improving, but the process meant that they still had to go through the levels of ARMS.

Reductions in a prisoner's placement or level of ARMS could not be made on Fridays. This was because changes can be destabilising, and less support staff were available on weekends to assist. This approach did not allow for individual case-by-case differentials. This often resulted in prisoners spending longer on ARMS and longer away from their allocated cell than may be necessary.

Prisoners spoke to us about this process. They highlighted that many prisoners may be unlikely to put their hand up when they were struggling or having self-harm thoughts. They feared being constantly monitored by staff on ARMS for too long after their issues may have passed. This especially applied when entering a weekend. Prisoners felt that in many cases they just needed some time out for a short time and then return to their cells where they had the support of family and friends. They did not want to risk being held in isolation under observation over the weekend before a decision could be made for them to come off ARMS or return to their own cell.

A 2021 review of self-harm, at-risk monitoring and related services at Acacia recommended that Serco 'evaluate the effectiveness of the more cautious approach to managing people on ARMS' (Morgan, 2021, p. 12).

The Safer Custody Team proactively tracked incidents of self-harm and assault

Acacia's Safer Custody Team created a monthly Safer Custody Bulletin, which was distributed to staff and management. The bulletin included:

- a summary of incidents that fell under the safer custody portfolio
- self-harm management and reduction strategies
- violence related incidents (including the tracking of suspicious injuries)
- a breakdown of prisoners on ARMS by age, ethnicity and location.

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This document highlighted trends, including the times and locations of incidents. It was a great initiative as it informed staff of areas that required greater supervision or attention.

4.2 PROTECTION PRISONERS

Protection prisoners continued to feel they were missing out, but they had better access to services in Acacia than elsewhere

Most protection prisoners at Acacia are held in India and Juliet Blocks and secured away from other mainstream areas of the prison.

Due to the restrictive nature of protective custody, protection units are often referred to as prisons within prisons. However, the development of a protection precinct at Acacia has assisted in alleviating some of these restrictions. While access to services remain hampered, it was comparatively better than the protection units at Casuarina and Hakea prisons (OICS, 2022A).

The use of Whiskey Block as a dedicated education centre for protection prisoners was critical to delivering services. Whiskey Block is situated to the rear of India and Juliet Blocks and is inaccessible to mainstream prisoners. The block contains several classrooms for education, art and criminogenic programs. Prior to this, protection prisoners could only access the general education centre on Fridays when it was closed to the rest of the prison (OICS, 2016). A limited library with some legal resources, a computer lab, and rooms for interviews and counselling appointments was also available. Medicine distribution also occurs at Whiskey Block, reducing the need for protection prisoners to be escorted to the medical centre.

While there were daily activities in Whiskey Block, staffing and infrastructure limitations meant that protection prisoners still had less access than mainstream prisoners. Acacia's Education Facilitator only attended Whiskey Block twice a week to assist protection prisoners engaged in university and TAFE-based studies. Staffing shortages meant Whiskey Block was closed to prisoners on the day we were scheduled to inspect it.

Prisoner's comment:

We only get to see one (art teacher) for two hours a week if we are lucky. Where mainstream, you have the teacher three days a week. So, we can't even do art certificates such as certificate three in art, because we don't have a full-time art teacher in protection.

Program delivery was also impacted. Despite Serco's new contract increasing the monthly program delivery hours, program facilitators noted that limited infrastructure would likely prevent any additional programs being run for protection prisoners. In 2020, only 17 per cent of protection prisoners completed their recommended criminogenic program, compared to 25 per cent for mainstream prisoners. Programs were listed as 'unavailable' to over one third of protection prisoners (OICS, 2022A).

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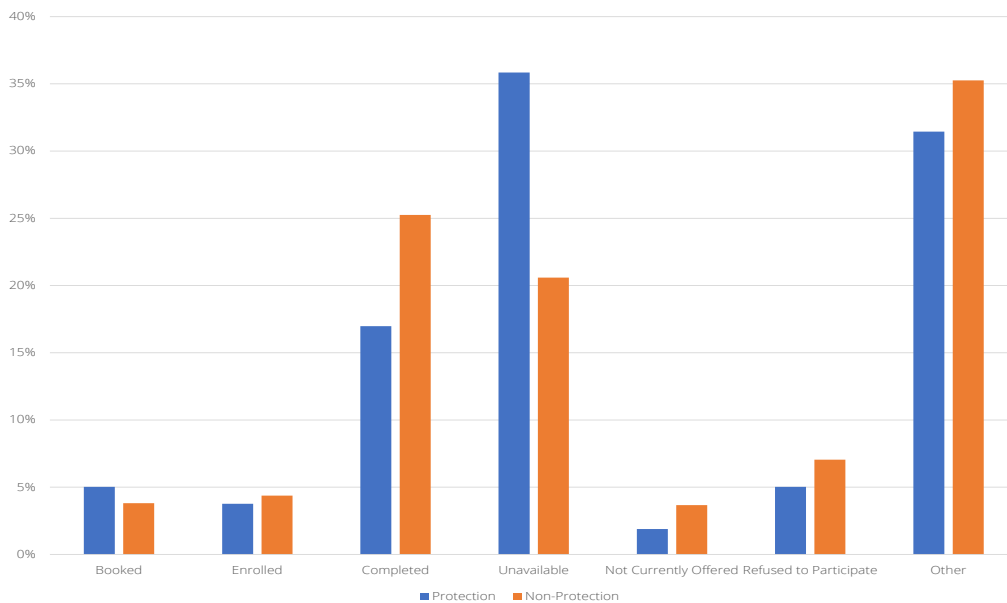


Figure 1: In 2020, protection prisoners completed fewer programs and had more programs listed as unavailable in comparison to mainstream prisoners at Acacia

Acacia industries provide more employment opportunities for protection prisoners

Hotel Block, which is also located within the protection precinct, contains a range of industries that employ protection prisoners. This included preparing breakfast packs, a metal workshop, a clothing production and repair workshop, and a leatherworks area.

At the time of inspection there were 104 protection prisoners employed in these industries. Work to re-locate the laundry to Hotel Block was nearing completion, which would offer an additional 36 positions for protection prisoners. This would bring the total number of protection prisoners employed in Hotel Block industries to 140, representing nearly half (47%) of the total protection population. This is a considerable improvement from previous inspections. In 2015, only 32 protection prisoners were employed in industries, which increased to 61 by 2018 (OICS, 2016; OICS, 2019).

Increased opportunities in Hotel Block will assist in providing more meaningful, higher-paid employment positions to protection prisoners. Currently, prisoners in protection are less likely to receive Level 1 gratuities compared to mainstream prisoners and more likely to receive Level 3 or Level 4. This stems from a lack of opportunities and an over-reliance on unit work, which is often viewed as menial in nature.

As the variety of industries has grown, protection prisoners have also been able to engage in traineeships. In 2020, eight protection prisoners completed Certificate II in Engineering and Certificate II in Cleaning, associated with their work in Hotel Block. These were the first traineeships completed in the past three years. Additional traineeship opportunities will become available when the laundry is operational.

Acacia is to be commended for all these improvements.

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A lack of staff engagement made some prisoners feel unsafe

We heard that some prisoners in Juliet and India Blocks continued to feel unsafe. Throughout the pre-inspection surveys, during the inspection and in written correspondence to us, prisoners told us that bullying, intimidation, standovers and harassment continued to undermine feelings of safety within the two blocks. Prisoners with sexual offences, gay prisoners, and those with vulnerabilities appeared to be targeted.

We were told that a lack of engagement and a perceived lack of oversight by unit officers exacerbated prisoners' feelings of insecurity. Prisoners spoke of custodial officers rarely engaging with the prisoners, providing limited opportunities to develop positive and meaningful relationships. Prisoners felt that officers rarely undertook walk-throughs of the units and would often secure the unit doors preventing access to the common area and staff offices. This had the effect of making prisoners feel like the units were not being monitored and that officers had little oversight of any incidents that may occur. This appeared to occur more frequently under one shift than the other. Prisoners were also conscious of limited Closed Circuit Television (CCTV) coverage throughout the units and in the recreation yards, increasing opportunities for bullying and standovers to occur unseen by staff. These issues have previously been raised in the 2015 and 2018 inspections of Acacia (OICS, 2016; OICS, 2019).

One prisoner commented:

Surveillance cameras have significant "blind spots" which means if prisoners are going to be bashed the perpetrators know where to go to be out of sight ... Prison officers do not see images on cameras for the safety of prisoners because they are often on Facebook and Google ... Bullying in Units 1 and 2 is highly problematic and officers do nothing.

The violence reduction and anti-bullying programs were not operating at Acacia at the time of the inspection. Recommendation 7 of the 2015 inspection called on Acacia to implement a suitable strategy to address the intimidation, abuse, or acts of malice towards protection prisoners from other prisoners living in the protection unit. Prison management supported the recommendation and advised that the Safer Custody Team would work with the protection unit as part of a wider anti-bullying and violence reduction strategy (Serco, 2018). However, prior to this inspection Serco advised that the violence reduction and anti-bullying program had been on hold for some time, while it awaited the completion of the new service agreement. This was confirmed during the inspection.

Good relational security can assist in preventing bullying. In the previous inspection, we noted that as the population of the prison increased, staff interaction with prisoners had decreased (OICS, 2019). This negatively affected the relationship between officers and prisoners, and impacted prisoners' perceptions of safety. The report acknowledged that staff workloads had increased at the time, which resulted in less interactions and more time completing administrative duties. However, during this inspection prisoners told us officers were often observed playing cards or table tennis, rather than interacting with prisoners or conducting walk-throughs. We also observed this on two separate visits to Juliet Block.

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Mainstream prisoners were manipulating their placement into protection

Mainstream prisoners appeared to be manipulating systems to gain placement in protection units. Both prisoners and staff discussed their concern that some mainstream prisoners were deliberately making false claims of being at-risk and using of 'risk to and from alerts' to secure a placement in India or Juliet Block. These prisoners often disrupted the protection units by setting up illegal shops, trafficking contraband, and intimidating and harassing more vulnerable prisoners. Such prisoners were described as 'little fish in mainstream, who become big fish in protection'. One prisoner was described as deliberately entering protection to set up a shop to pay back his debts owed to other mainstream prisoners.

Prisoners comment:

It is far too easy to gain protection unit status and then even more difficult to remove prisoners who act inappropriately once there. Many prisoners want to be here, they don't necessarily need to be. I have personally heard protection prisoners on an escorted movement, and within an officer's hearing, call out to a friend in 'mainstream', words to the effect; "You should come down to Juliet, we run the place!"

Prisoners told us that those with sexual offences were increasingly being targeted and felt unsafe. This included verbal abuse, physical intimidation, standovers, and physical violence. This was particularly prevalent in late 2020, when it was alleged that an 'anti-sex-offender' gang had established itself in the protection units at Acacia.

Poor assessment and review processes appeared to be the cause of mainstream prisoners being able to manipulate the system. Ineffective verification of risks prior to placement in protection is an issue experienced across the prison estate. Once in protection, fortnightly reviews do not sufficiently explore whether a prisoner's risk situation has changed. As such, it is often easy for a prisoner to enter protection and difficult for them to leave once there.

Reviews of protection alerts were ineffectual

The existing process of reviewing protection alerts was described by some officers as 'tick and flick'. Contractually, Serco must conduct fortnightly reviews of protection alerts. However, with the population nearing 300 prisoners, officers found it difficult to complete meaningful and detailed fortnightly reviews. As approximately half of the protection population required protection due to the nature of their offences, their need for protection was unlikely to change on a fortnightly basis.

If a prisoner needs protection from threats in mainstream, officers do not have enough time or the resources to verify every fortnight whether these risks are still active. The sheer number of reviews required to be completed, and the inability to do anything other than a relatively quick desktop review, had made the process ineffectual. The review was completed on the Total Offender Management System (TOMS) and did not appear to involve the prisoner. This means prisoners may be residing in protection far longer than they require.

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Officers also expressed that despite their recommendations, management take a risk-averse approach and rarely sign-off on a prisoner leaving protection.

Acacia was ready for new review processes to manage protection prisoners

At the time of our inspection Acacia was advanced in their preparations for the release of Commissioners Operational Policies and Procedures (COPP) 4.10 on the management of protection prisoners. Serco had updated Acacia Standing Order (ASO) 58.19 to reflect the requirements of the new COPP (Serco, 2021). A Prisoner Placement Risk Assessment form had been developed and was being utilised by officers. A Multi-Disciplinary Committee (MDC) was being established to fulfil the COPPs requirement for a Protection Multi-Disciplinary Team. The first MDC meeting was being planned for late November and was expected to occur monthly. The MDC planned on conducting at least 50 full reviews of protection prisoners each month, in addition to assessing new placement requests.

The Department's contract with Serco still required it to complete fortnightly reviews of protection alerts. Under COPP 4.10, more detailed risk-based reviews of protection alerts are required to be completed on a six-monthly basis (DOJ, 2021). The switch to six-monthly reviews reflects the Department's understanding that fortnightly reviews were difficult to achieve with the current protection population and often lacked the detail required for them to have any effective meaning. However, to comply with its contractual requirements, Serco intends on completing both fortnightly and six-monthly reviews. The latter will comprise of more detailed risk-based assessments using the MDC, and less detailed reviews will occur fortnightly by custodial officers. This contractual requirement defeats the intent of the COPP and is an ineffective use of staff time. Furthermore, it is inconsistent with the Department's expectations in protection units in Casuarina and Hakea.

Recommendation 3

The Department should exempt Serco from their contractual requirement to complete fortnightly reviews of protection alerts.

No peer support in India Block

At the time of our inspection there were no peer support prisoners employed in India Block. Initially two peer support workers resided in India Block and two in Juliet. But, for various reasons, the two from India were transferred to Juliet. They maintained their positions, but no replacements were employed in India Block.

These arrangements impeded the effectiveness of the peer support team in India Block. The peer support workers said that sometimes they struggled to have meaningful interactions with India Block prisoners because they were not part of that unit culture. This sentiment was shared by India Block prisoners during the pre-inspection surveys. For some, their preference was to discuss issues with their fellow unit inmates, rather than speaking with a Juliet Block peer support worker. The peer support workers often had less developed relationships with India Block residents, hindering prisoners' comfort levels in opening up about their issues, especially their mental health status.

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A lack of resident peer support workers in India Block may also affect the ARMS process. At Acacia, the peer support prisoners interview prisoners currently under ARMS monitoring. If an India Block resident feels uncomfortable opening up to a Juliet Block peer support worker, this may reduce the quality of information used to assess their emotional state. Pre-existing relationships may make such conversations easier.

Just prior to our inspection, interviews were conducted with several potential candidates within India Block to become peer support workers. However, a review into the peer support program had recommended that Juliet and India blocks should only have four peer support workers in total. As they were already at that quota, they were unable to employ any of the interviewed candidates.

Irrespective of the quota, peer support workers in both protection blocks should be maintained. Peer support practices and numbers should be reviewed to allow for peer support workers in not just India Block but all blocks throughout the prison.

Recommendation 4

Acacia should ensure that there are peer support workers in every block throughout the prison.

Restrictions and boredom impacting mental health

Many prisoners in protection expressed concern about the emotional wellbeing of their peers. The restricted lifestyle, limitations in employment, education and programs, and ongoing bullying and intimidation were cited as factors exacerbating the decline in mental health of protection prisoners. Prisoners described how fellow inmates were often seen wandering around the unit and the yards like ‘zombies’ with little motivation.

One prisoner commented in a letter to us:

Most men wake in the morning (every morning for some) wondering how they are going to find meaning in their day. They have nothing to fill their day. This has a major impact on mental health and wellbeing. Welcome to “nothingness” and “meaninglessness”. These are the ingredients of mental illness ...

Statistically, India and Juliet residents show a vulnerability to mental ill-health. The protection cohort at Acacia represents approximately 20 per cent of the total population. Despite this, 32.9 per cent of ARMS alerts raised in 2020 were for prisoners with an active protection alert. Nearly a quarter of all referrals to PWS were from protection prisoners. Juliet Block had one of the highest rates of self-harm and suicidal incidents between 2018 and 2020. During our pre-inspection surveys, Juliet and India residents also rated their quality of life poorly. Juliet Block residents scored their quality of life as a 4.33, which was the second lowest and India Block residents scored their quality of life as a 4.44, the fourth lowest across the prison. But these results were an improvement on the 2018 pre-inspection survey.

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Table 1: Quality of life scores per block at Acacia from the 2018 and 2021 pre-inspection surveys

Block	2018	2021	Difference
Acacia-wide	4.36	4.59	0.23
India	4.11	4.44	0.33
Juliet	4.08	4.33	0.25
Foxtrot	5.31	4.83	-0.48
Kilo	3.97	3.46	-0.51
Lima	4.32	4.55	0.23
Mike	4.38	4.39	0.01
November	5.37	5.24	-0.13
Uniform	4.30	5.31	1.01

Protection prisoners also felt they could not access the mental health services they needed. Across Acacia there have been long wait times for counselling services. This does not appear to have disproportionately impacted protection prisoners. However, the long wait times combined with the above-mentioned factors may affect protection prisoners more than their mainstream counterparts.

4.3 YOUNGER PRISONERS

The Young Adult Program evolved to remain effective

Some years ago, Acacia management identified an opportunity for a residential program to address the distinctive needs of young men in custody. At that time, with support, some could aspire to the Serco-operated Wandoo Young Adult Facility where an enhanced rehabilitation program for young male prisoners was offered. When a major expansion of Acacia was completed, Uniform Block was designated for young adults.

With a dedicated Young Adult Coordinator, a team of older men placed there as 'Uncles', and various recreation, education, training and rehabilitation programs, Uniform Block ran well. However, it lost momentum when the contract for the Young Adult Facility at Wandoo finished and that facility became a state-run alcohol and drug rehabilitation prison for women. There were also difficulties choosing appropriate 'Uncles' and with the placement of so many immature men in a single area, it led to a high number of incidents in Uniform Block.

In 2021, we found that the young adult program had evolved a great deal. Only two of four units in Uniform Block were dedicated to young adults, known as the Young Adult Community (YAC). The other two units were used for induction of prisoners of all ages. Young men going through induction were encouraged to join the YAC, at least for an initial period, but they were also free to go to other blocks where they may have relatives or friends. Young men requiring protection must reside in India or Juliet Blocks.

Young adult mentors worked effectively across the facility

The following table shows the distribution of young adult men aged 18–26 years in residential units in October 2021, according to information provided by Acacia.

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Table 2: Placement of young adults, October 2021

Residential placement	Proportion
Mainstream (K, L, M Blocks)	48.3%
YAC (U Block, Units 3 and 4)	27.1%
Self-care (N Block)	13.9%
Protection (I, J Blocks)	9.8%
Other (F Block or Induction)	0.9%

It makes sense then that the YAC is only part of the young adult program which is run by a Young Adult Support Worker (YASW) together with Uniform Block staff and management. Since 2019, Acacia has had a Young Adult Mentoring program which extends to all units. It has 14 positions, including four supervisors and a minimum of three Aboriginal prisoners. Mentors are coached and supervised by the YASW who also collates statistics on numbers and types of contacts they have with other prisoners.

At the time of the inspection all new young adults were offered mentoring regardless of which block they were located. Mentors offered a range of support, including:

- administering a planning and development checklist with new young adults
- providing general support, including for those with mental health challenges or disabilities
- assisting young adults access education, employment and training
- facilitating certain activities and courses and encouraging young adults to take part in these.

Requests to see a mentor could be made through the CMS. We met with a number of these mentors and were impressed with their knowledge, commitment, engagement with other prisoners, and with the level of support and direction they had been provided.

Various workshops and activities for younger prisoners

The program had also developed some specific courses and workshops which may be provided at the YAC, including:

- The Circle Men's Support Group – which focuses on healthy masculinity, relationships, health, addictions, and personal change
- Doing Jail Easier Workshop – how to be safe in prison
- Healthy cooking classes – life-skills for release and for self-care
- Maori cultural classes – cultural capability for young Maoris facing deportation
- Stairway to Success – introduction and tour to education, employment and training at Acacia
- Buddy Program – workplace mentoring in various workplaces.

Each of the units in the YAC had a group room where such programs were run, one called Yokai Maya 'Deadly Room', the other called the Mindful-Nest. The Circle group was also run in Whiskey Block for those young men in protection.

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Uniform Block also had a Recreation Officer who facilitated various fitness and recreation programs including basketball, fitness circuits, table tennis, x-box tournaments, and volleyball.

The program was still evolving, with Real Support Network agencies adding to the mix

All of these activities were very popular among the young men. The Circle Men's Support Group was running well, as were the healthy cooking classes, and efforts to engage young men in education, training and work experience. But some of the other interventions had not run at the time of our inspection.

This was likely due, in part, to the transition to the new contract, which had added another layer of interventions to the young adult program with the addition of the RSN. We saw workers from OARS Community Transitions and the Wirrpanda Foundation regularly visiting the YAC and engaging with young men there, as they did with other prisoners in other units, including young men in Oscar Block. The OARS workers mainly provide drug counselling, and the Wirrpanda Foundation engage Aboriginal men in employment following release.

It was positive that engagement by young men with mentors and activities was closely tracked. This enabled ongoing review and evolution of the program to address issues and new opportunities to provide services to this cohort. The program continued to improve with innovation and was a credit to Acacia.

4.4 FOREIGN NATIONALS

Foreign nationals were mostly content except for study limitations

Communication for foreign national prisoners to family overseas was generally good but often challenging due to international time zones. Foreign national prisoners were able to access two 10-minute phone calls at a fixed rate each week, except if they booked an e-visit. But concern was raised that if the e-visit failed or was cancelled, then the phone calls were not reinstated that week.

Prisoners told us that there was satisfactory access to foreign language reading materials as these could be donated by families to the library. But foreign language DVDs were not allowed, even if they were purchased at another facility. They wanted more electronic media in their own languages like music, films and TV, but were generally happy with the food, which they could prepare themselves.

Foreign national prisoners could not access higher-level studies. Education for them is restricted to six months basic education. However, they could undertake a small range of business studies from Trainwest which offered discounted courses to prisoners. Departmental policy prevents foreign national prisoners enrolling in any tertiary education, even as fee paying overseas students.

4.5 BULLYING AND VIOLENCE REDUCTION

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Robust policies exist, but were not being used

On paper, Acacia had a policy to manage perpetrators and victims of bullying and standovers. But we could not find evidence that items such as the offender or victim registers, were being used. Therefore, prisoners engaged in bullying and standover tactics may not be monitored or supported to alter their behaviours. As mentioned above [see 4.2], the violence reduction and anti-bullying programs were not operating at Acacia at the time of the inspection.

High prevalence of assaults during periods of lower staff supervision

Data from the Safer Custody Team monthly bulletins showed a high prevalence of assaults occurring during periods when prisoners were secured to their unit pods, but not in their individual cells. This meant they could access the common areas of the accommodation unit but not any external areas. For example, in September 2021, 40 per cent of assaults occurred between 6.00 am – 9.00 am, 40 per cent between 12.00 pm – 3.00 pm and 20 per cent occurred between 6.00 pm – 6.00 am.

Each of these periods included times when prisoners were locked down to pods only. When this occurred, there was limited or no staff present in the pods, with monitoring only by CCTV from the unit control room located in a separate building. We were told that following morning unlock and during lunchtime lockdown, there may be only one officer in the unit control to monitor the CCTV. This practice leaves vulnerable prisoners exposed to bullying, standover and assault, and limits the ability of officers to respond swiftly if an incident does occur.

Not surprisingly, our prisoner survey results showed that on average, prisoners felt less safe at Acacia than across the prison estate.

Table 3: Survey Question: How safe do you feel at this prison?

How safe do you feel at this prison?	This inspection	Last inspection	State average
Mostly feel unsafe	27%	30%	23%
Mostly feel safe	67%	65%	72%
Did not answer	6%	5%	5%

This suggests a need for more attention and procedures to be put in place to support the use of the existing policies to provide better safety for prisoners.

Recommendation 5

Acacia should:

- Review the existing policy to manage perpetrators and victim of bullying and standover to ensure that it meets the requirements contained in COPP 10.6 Anti Bullying.
- Implement the revised policy and regularly review its effectiveness to ensure the policy requirements are being met.

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4.6 REQUESTS AND COMPLAINTS

Unit enquiry times were impacted by reduced staffing levels

Within a prison setting, prisoners must submit requests for various reasons, including:

- placing a phone number on their phone system
- booking a medical appointment
- signing out property to family or friends
- making a gratuity check
- accessing support services.

At Acacia, prisoners had two options to make requests. They could either submit a prisoner enquiry form direct to unit staff, as is done in other prisons, or they can use the CMS to make the request. However, staff shortages at unit level and in various parts of the prison resulted in some requests not being actioned in a timely manner, and this was a source of frustration for the men.

Unit enquiry times were often reduced or cancelled due to reduced staffing levels occurring either through cross-deployment or staff shortages. Many prisoners expressed frustration at the length of time it took to have a straightforward issue resolved. This was consistent with concerns raised by staff regarding the decline in the quality and provision of services to prisoners due to low staff numbers and the need to meet compliance commitments.

Chapter 5

MANAGING BEHAVIOUR

5.1 ENCOURAGING POSITIVE BEHAVIOUR

Many prisoners achieved earned supervision status

At the time of our inspection, 55 per cent of prisoners (776) had achieved 'earned supervision' status. This was the highest status prisoners could achieve in the Department's hierarchical management system. Good behaviour and engagement in employment were key criteria for reaching this level. Incentives included increased weekly canteen spend limits, visits sessions, length of phone calls, and access to special events. This was pleasing to see as it encouraged positive behaviour among the prisoners.

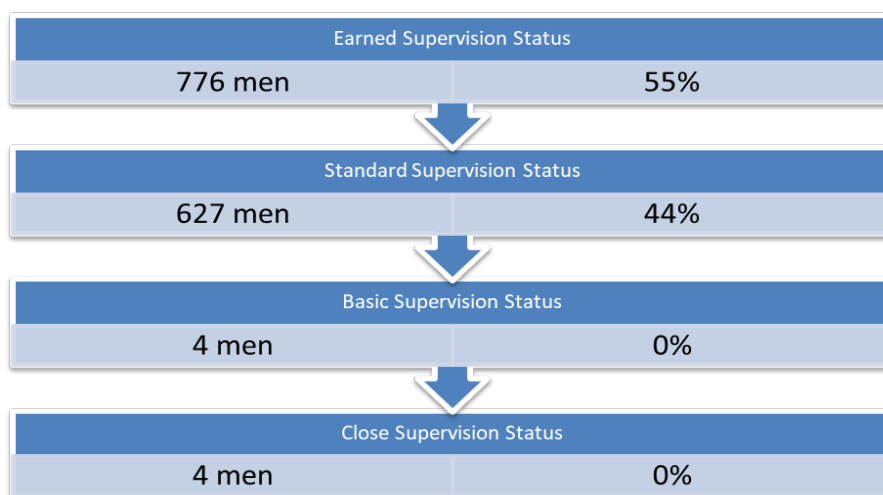


Figure 2: Number and proportion of prisoners at Acacia, by supervision status (November 2021)

Acacia provided a large quantity of self-care accommodation

Within a prison setting, self-care accommodation is highly sought after. Acacia has a large quantity of self-care accommodation in November Block, meaning many prisoners were fortunate enough to access this privilege.

Self-care provides prisoners the ability to live with some semblance of normality and gives them additional freedoms and peace compared to the main living units. Each pod was self-sufficient where residents were responsible for cooking, cleaning and ordering of supplies.

November Block is separated into two sides. One is a standard self-care residence for prisoners who meet the criteria laid out by the prison. The other side accommodates those serving a life or long-term sentence.

Standard self-care has capacity for 180 prisoners, including 156 single and 12 double up cells. On the lifers' side, there is capacity for 182 prisoners, including 154 single and 14 double up cells. For prisoners serving a long sentence, the ability to reside in a single cell is important.

5.2 PUNISHMENT AND DISCIPLINE

Disciplinary procedures and punishments were fair and just

During the inspection we observed and analysed the process and outcomes of the disciplinary procedures and punishments for prison offences. This entailed analysing Loss of Privileges, which are used as a form of punishment to address minor behavioural incidents that may not warrant a charge. Also, the Superintendent and Visiting Justice (VJ) parades, which are an internal disciplinary system for addressing offences committed in prison.

All aspects of these processes were well structured and organised, with all steps in the process adhered to, and adequate records kept for each stage. The parades were seen to be fair with all evidence being heard before a determination was made. Punishments appeared to be proportionate to the nature of the offence. The scheduling of the parades was occasionally delayed by the prosecutor due to the lack of available punishment cells in the Detention Unit (DU). The timing of the Superintendent's and VJ's parade were occasionally adjusted to allow punishment options and not overload the DU.

Staffing levels in the Detention Unit were stable

Staffing levels in the DU have been an issue of contention for the last two inspections (OICS, 2016; OICS, 2019). While Acacia addressed this issue after the 2018 inspection by placing a third officer in the DU, it was not long before this officer was regularly cross-deployed to other positions.

This inspection we found that the third officer was still in place and staff told us that they had been fully staffed for a long time with little or no cross-deployment. Having three officers in the DU is paramount for the safety of officers and prisoners alike.

Daily assessments of prisoners' welfare and monitoring of time in the Detention Unit had fallen

In the last Acacia inspection, we found that the Deputy Director and Unit Managers would visit the DU each day (OICS, 2019). The purpose was to conduct a welfare check, to have a discussion with the prisoner, and make an assessment as to when they might be able to return to the blocks.

During this inspection, staff told us that recently the senior staff were rarely seen in the DU and that the Unit Managers often did not visit either. Staff felt that this left them to try and address questions from prisoners when they did not have the answers nor seniority to make decisions.

There are potential risks anytime prisoners are held in the DU and every day spent in there potentially increases these risks. Unfortunately, prisoners with mental health issues are often among those that end up in the DU (OICS, 2022B). Daily visits and assessments are vital for their mental health and wellbeing.

During interviews, we were told that senior staff did not get around the prison as much as they would like due to the demands on their time with the transition to the new contract. While we acknowledge this challenge, essential daily visits and assessments can reduce risk.

Chapter 6

DAILY LIFE

6.1 DAILY REGIME

Acacia was introducing a new core day

At the time of our inspection prison management were in the process of introducing a revised core day. And while the motivation for this seemed to be to reduce prisoner movements and increase time in industries, prison management admitted that they were unsure of what the final model would look like. We were told that several changes were under consideration for prisoners working in industries, including:

- moving from am/pm shifts to full days on or off
- remaining in their workplace over the lunch time period.

These changes were presented as mirroring community life more accurately as prisoners would then be responsible for planning visits or other appointments on their days off.

This aligned with our inspection standards, which state that prisons should attempt to minimise the difference between life in prison and life in the community (OICS, 2020, p. 18).

Other aspects under consideration included increased access to education and possibly increased program participation. However, these were preliminary ideas and consideration needed to be given to whether the affected work areas could support such moves.

The plan was still in the preliminary stages of development at the time of the inspection, but it appeared to be a positive initiative if it could work effectively.

6.2 RECREATION

Recreation continued to be hampered by cross-deployment of staff

Unlike public prisons in this state, recreation officers at Acacia were custodial officers who had expressed an interest to work within the recreation team. The recreation officers were rostered seven days a week. On weekdays they were supported by a Unit Manager. Unfortunately, we were told that recreation staff were some of the first to be cross-deployed.

This may result in the closure of the oval and, at times, the gymnasium. In our pre-inspection survey only 38 per cent of prisoners rated access to the gym as good, down from 72 per cent in 2018. When cancellation of recreation occurred, prisoners could still exercise within the confines of their unit, but this was unstructured and with limited equipment or infrastructure.

This issue was not new to Acacia. In each of our last three reports we have highlighted the issue of cross-deployment in recreation and in our 2014 and 2016 reports we made recommendations relating to this (OICS, 2016; OICS, 2014A).

When open, recreation was busy

All accommodation units were scheduled to attend a 45-minute recreation session each weekday, and on weekends sporting competitions were organised. When not impacted by cross-deployment closures, recreation thrived in Acacia.

Prisoners could rotate between the oval, the meeting place and the gymnasium at will. We observed prisoners playing touch rugby on the oval, while others walked laps and kicked a football. Many prisoners were seen yarning in the meeting place. In the gymnasium,

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prisoners were playing indoor soccer on a multiuse sports court, using cardio equipment or lifting weights in dedicated spaces. Prisoners also had access to a dedicated boxing room. In our pre-inspection prisoner survey, 66 per cent of respondents told us the amount of organised sport at Acacia was good, this was well above the state average (35%). We were told that popular sporting competitions on the weekend included: Australian rules football, basketball, indoor soccer and cricket.



Photo 2: Acacia's meeting place was well used when staffing levels could adequately cover recreation

Equipment maintenance was lacking, and the oval was a hazard

There was fitness equipment within the accommodation unit yards for prisoners to use. This included cable weights, isometric and cardio equipment. However, much of the equipment looked poorly maintained. This was concerning, particularly considering prisoners use this equipment largely unsupervised and without formal induction. Recreation staff informed us some cardio equipment in the gymnasium was out of order, awaiting parts.

The weather during our inspection was fine, however; we observed considerable waterlogging at the eastern end of the oval. We were advised that this was due to an underground spring and that the gardens team were attempting to resolve the issue. There were many potholes presenting a risk of injury to prisoners using the oval. The potholes were due to the high number of rabbits which had overrun the prison. Measures had been taken to reduce the number of rabbits and we noted at the time of the inspection that the numbers had declined significantly compared to a site visit a few weeks earlier.

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Photo 3: Rabbit holes in the oval presented injury risks to prisoners

Acacia operated two well-stocked libraries

Acacia had two libraries. One, located in Oscar Block, was available for men living in mainstream units, the other was located in Whiskey Block and it serviced men in protection. Men could attend during their allocated sessions and borrow up to four books at a time. There was a good range of literature and it was pleasing to hear that prisoners' families could donate literature to the library.

Good access to legal representatives, legal resources and Court

Acacia is predominately a prison for sentenced prisoners, but at the time of the inspection there were 34 prisoners held on appeal, and four prisoners on remand. Of the four on remand, three were subject to the *High Risk Serious Offender Act 2020* (WA) and one was awaiting transfer to Casuarina.

Acacia is located over 50 kilometres east of Perth and this limits face-to-face contact with most legal representatives. However, there have been improvements in prisoners' ability to communicate with their legal representatives through technology. Prisoners could maintain contact by writing, phone calls or e-visits. They could also communicate with their legal representatives by sending and receiving emails and faxes.

Mainstream prisoners also had good access to high-standard legal resources. All legal materials and supports, including 10 computers, were consolidated in one of the best legal resource rooms in the system. There were also human resources to assist with legal support. Protection prisoners had less immediate access to legal resources with a much smaller legal library and only two computers loaded with Case Base. But they did have access to the same methods of contacting their legal representatives mentioned above.

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The addition of extra video technology had also improved the ability to video link with the courts thus reducing unnecessary travel for the prisoners.

6.3 FAMILY AND COMMUNITY CONTACT

A range of visits options were available

Prisoners at Acacia could apply to attend a range of visits. Social visits were run Friday through Monday, with four sessions per day. Prisoners in protection were allocated sessions on three of these days.

The prison ran a bus service from Midland Train Station for visitors each day. Visitors were greeted by friendly and helpful staff at the Visits Support Centre, where they were first processed. Once inside the Visits Centre, prisoners were able to purchase food and drinks from the prisoner run Green Bean Café for their visitors or themselves. Prisoners told us that they appreciated this opportunity.

Proactively, when COVID-19 restrictions were first implemented in 2020, the prison installed 13 e-visit terminals to enable online visits. These ran seven days a week. Prisoners said they enjoyed being able to see their old home, as well as family pets through this avenue. It also allowed foreign national prisoners to meet with family and friends, which may not have occurred for some time.

Inter-prison visits had recently recommenced with other facilities, and prisoners could also apply for inter-unit visits with peers. Prisoners could also seek an approval for special visits, for example, if family members from out of town were visiting, or to meet a new born child.

Acacia's new contract stipulated that four family day visits were to occur annually. These took place on the oval and had a relaxed, family friendly atmosphere. It included food and activities for the children and parents to enjoy together. These were a great initiative, particularly for prisoners with longer sentences.

Prisoners and staff were keen to see the internal visits crèche reopen

Acacia has two crèches, one external to the prison in the Visits Support Centre, and another within the internal visits centre. However, to the displeasure of prisoners and staff, the internal crèche was no longer operating.

Two childcare workers from Moorditch Gurloonga Association supervise the external crèche which, following COVID-19 closures, had reopened a few months prior to our inspection. But only seven children had accessed the service in that time. Staff advised they had little to do. We were told the external crèche was only used in exceptional circumstances, such as a child's name being left off the visits list, or an order being in place restricting the child from seeing a prisoner. We were informed most people wanted their children to attend the visit, not sit outside the prison in child care.

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Prior to the new contract transition, if no children were being looked after in the external crèche, the childcare workers would enter the prison and open the internal crèche. This service was busy, meaning children had to rotate through.



Photo 4: The internal visits crèche had been not been used since COVID-19 restrictions commenced

Children get bored during visits and 75 minutes is a long time to remain seated at a table with little entertainment. The crèche provided an outlet for children to play or create art to give to their father. It also provided adults an opportunity to discuss serious matters without children present.

Moorditch Gurloonga Association staff used to supervise Aboriginal childcare trainees on site, but regrettably this no longer happened due to insufficient numbers of children.

We were informed Shine for Kids, part of the prison's RSN will be delivering a 'Stay Together, Play Together' playgroup service once a week. While this program will no doubt have its own benefits, prisoners wanted the crèche to reopen.

Recommendation 6

Recommence the internal visits crèche service for visiting children.

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Prisoners could access weddings and funerals through e-visits

Prisoners who could not attend a funeral for logistical or security reasons were provided the opportunity to observe via an e-visit. But this was not always possible as it relied on access to technology and a willing party at the other end. Often, it was not an achievable option for out of country Aboriginal prisoners from the regions.

When it did take place, prisoners would view the funeral from a small, private room within the visits centre. Chaplaincy were available to be present, providing support and to assist prisoners in their grieving.

We heard e-visits were used for funerals every couple of weeks. Occasionally, prisoners were also afforded this opportunity to observe weddings.

Storybook Dads provided vital communication between prisoners and their children

Storybook Dads is a program that enables families to reconnect through the magic of storytelling. Prisoners can record themselves reading bedtime stories for their children. With the assistance of prisoner workers, sound effects and music were added, and prisoners were given a CD. Prisoners would send the CD along with a book to their children, who could read along with dad's voice. Some prisoners even wrote their own stories.

We were advised that prisoners found this experience to be worthwhile and very emotional. It gave them an opportunity to feel valued as a parent and have a positive impact on their children's life. It also showed children that they were loved and missed by their father.

We heard that the prisoner worker who coordinated the initiative was coming up for release and was keen to train someone else to use the software required to build the storybooks. We also heard that Shine for Kids may soon be commencing a similar initiative.

6.4 LIFERS STRATEGY

Acacia holds almost half of the state's lifers

At the time of our inspection Acacia held 48 per cent (165 individuals) of Western Australia's total lifers (male or female). This was by far the most held by any one facility in the state, with the second biggest cohort being 54 prisoners at Casuarina Prison.

Half of November Block, the prison's self-care accommodation, was reserved for those on sentences longer than 14 years. The block was made up of 14 double storey buildings which included four pods. Each pod had six cells, the majority of which were single occupancy. But not all long-term prisoners preferred to live in self-care, and many resided in the mainstream blocks.

The lifers were also supported by a number of strategies specific to Acacia. They were represented by the Health, Education and Advancement for Lifers (HEAL) committee, who met regularly with senior prison management and whose membership included lifers from all units, not just those in November Block.

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The Lifers' Strategy at Acacia included Lifer Liaison Officers (LLOs) who were custodial officers who volunteered to work closely with lifers and provide them with additional support as needed. In previous years, the LLOs would attend the Lifer Review Board in order to gain greater insight into their issues, but this had unfortunately fallen away due to the coronavirus pandemic. LLOs were present across the site.

The Lifers' Strategy may be on hold, but some excellent initiatives were still in place

During the 18 months prior to our inspection, Acacia underwent a period of considerable disruption. The bid, transition to the new contract, and COVID-19, all affected the stability of the Lifers' Strategy. Services were interrupted, and momentum that had been built in previous years came to a halt.

Key staff acknowledged that the strategy was not currently a priority, due to the contract bid and subsequent changes. Those responsible for the Lifers' Strategy clearly regretted not being able to do more and maintained it would be a priority as soon as they had capacity.

It must be acknowledged that despite this, some excellent initiatives were still happening, including:

- sit down lunch for the HEAL committee and their families in the training kitchen (with a hope to include other lifers in the future)
- reparations programmes: the HEAL committee was progressing from an 'I want' to a charity/donations focus, doing art works for institutions such as the Perth Children's Hospital (PCH) and a silent art auction with proceeds to PCH, facilitated by two NGOs
- twice yearly special spends (e.g. speakers, latex pillows, mattress toppers)
- access to a rescue dog program, with the dogs allowed to live in cell with their handler
- three-monthly 'healthy spends' (e.g. certain nuts, seeds and dried fruits).

The above initiatives recognised the reality of long-term prison life.

There were also care packages available for lifers. Under this scheme, friends or family were permitted to send in sheets, doona covers, towels, bath mats, socks/jocks, calendars and books (with some limitations). This allowed the lifers to personalise their cells.

However, staff responsible for managing prisoner property felt that Acacia allowed prisoners to buy 'too many things', particularly lifers. And this was exacerbating the significant challenges in storing excess property at the prison. Finding a balance between these two issues was critical.

6.5 CANTEEN AND PRISONER PURCHASES

Acacia's canteen functioned well

The canteen offered a good range of consumables items, and its processes were thorough and well embedded. The canteen employed 27 prisoner workers, who work for the most part, under CCTV in order to ensure secure practices. Good processes were also in place for secure management of tobacco products.

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Canteen orders were placed on the CMS, and each accommodation block had a set time for orders to be completed. The orders were received by the canteen, picked, processed and bagged by the canteen workers, and then delivered to the blocks by officers. Single-use plastic bags were used for this process, and in line with government policy were to be phased out. We were pleased to find that Acacia was proactive in this space and was moving to the use of reusable mesh bags.

Positively, Acacia had a food and canteen committee, which considered prisoners' suggestions and feedback with representatives drawn from across the site. Meat packs were also available for purchase. Prisoners could cook on barbecues in each block.

Despite finding that the canteen functioned well and offered a good range, prisoner survey results were down. Only 46 per cent of respondents felt that the canteen was good. This was down from our last inspection (58%) and compared poorly to the state average of 55 per cent. It was difficult to identify a clear reason for this result.



Photo 5: Acacia had a well-stocked and wide-ranging canteen, but survey respondents did not positively rate it

6.6 ACCESS TO RELIGIOUS AND SPIRITUAL SUPPORT

Chaplaincy provided an excellent service

The chaplaincy team at Acacia provided pastoral care and support for prisoners. We found a positive and proactive team of six chaplains, who practiced an ecumenical approach, helping each prisoner express their own faith traditions and spiritual beliefs. Chaplaincy was well established and respected among prisoners and staff.

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Along with providing one-on-one support, chaplaincy facilitated a range of prisoner gatherings, voluntary programs and courses, including those set out in the table below.

Table 4: Prisoner gatherings and voluntary programs/courses supported by Chaplains

Prisoner Gatherings	Voluntary Programs / Courses
Sunday church services	The Prisoners Journey
Muslim meetings and Friday prayers	Sycamore Tree
Festival of Eid / Festival of Eid-UI-Adha	Vietnamese Bible Study
Catholic Mass	Discovering God
Memorials	To Find a Better Way
Skyped funerals	Soul Care
Buddhist meditation and mindfulness	Basic Islam

However, we were told there had been some delays by the Department in approving religious visitors. This delayed the commencement of the delivery of some courses.

6.7 LIVING CONDITIONS

Little change in prisoner living conditions since 2018

Acacia's population is deliberately maintained by the Department at a close-to-capacity level. As such, the accommodation conditions for prisoners remained largely unchanged since our 2018 inspection. In 2018 we found that due to the population increase and lack of employment opportunities, there were more prisoners in the units during unlock hours. This increased competition to access phones, staff, space, recreation equipment, and services. The knock-on effect of this was increased tension at these times.

This inspection we found that despite the crowding, the physical condition of the units had not visually deteriorated and there were limited complaints about the ability to keep the living environment clean. The maintenance contract arrangements had changed so Serco was now managing its own needs, and this seemed to have decreased frustration about responsiveness to maintenance issues.

6.8 CLOTHING AND BEDDING

Large amounts of clothing and bedding went missing

Evidence showed that many laundry items were unaccounted for at Acacia. A spreadsheet kept in the laundry indicated that in one unit alone, over 3,000 items were reported missing in 2021.

During the inspection this issue was raised with management who were aware of the situation, but it did not appear to raise any real concerns. At best, this response disregards the waste of resources with funds spent replacing items that could be spent elsewhere. At worst, it fails to recognise potential security and safety implications of missing items, and what

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uses they could be put to. It also raises questions around staff supervision of prisoners during laundry exchange, and the thoroughness of cell searches/inspections if additional items were unnoticed.

Routine seemed to be the bedrock of prison security and we would have thought that anything outside of the routine should raise interest. Irrespective of how you look at it, this issue will continue without further investigation by the prison.

Mattresses and pillows need regular cleaning

Under the terms of the service contract Serco are obliged to provide to each prisoner:

- his own bed equipped with:
 - a flame-retardant mattress
 - a pillow
 - a pillow case
 - two sheets
 - a towel
 - and two blankets, or one blanket and one doona
- assurance that additional blankets are made available upon request
- regular linen cleaned at least once a week and doona/blankets every three months
- inspection of their mattress every six months.

We found that prisoners were receiving the bedding items they were entitled to. However, the inspection of mattresses was not happening. We observed prisoners in some units taking their mattresses out of cells and applying talcum powder. We were told this was to cover the smell caused by age, over-use and lack of regular cleaning.

While the terms of the service contract stated that Serco were required to inspect the mattresses every six months, there was an implied requirement to replace, repair, or clean the mattress should the inspection reveal the need to do so. The laundry was unaware of any requirement for the six-monthly inspection of the mattresses.

That the condition of some mattresses had deteriorated to this point brings into question the regularity and thoroughness of hygiene cell searches. Staff should be conducting regular inspections that pick-up on health and hygiene concerns. That some prisoners must resort to using talcum powder to disguise the smell of their mattress was unacceptable. Acacia must ensure that it complies with its contractual requirements, not only for accountability purposes but also for the decency and good hygiene of prisoners.

Recommendation 7

Staff should conduct regular health and hygiene inspections of cells and record and action any health and hygiene issues including replacement, repair or cleaning of mattresses and pillows.

6.9 FOOD AND NUTRITION

Good nutrition reviews and meeting contractual requirements

Over the 12 months before the inspection, Acacia had received two independent dietician reviews of its menu (Di Prima, 2020). Overall, both were very positive and noted that:

- all nutrient requirements were met or exceeded
- there was appropriate 'plate appeal and menu variety'
- menu choice was available, which was not the case elsewhere in the system
- it was 'consistent with community standards and culture'.

The service agreement between Serco and the Department was very prescriptive about the meal requirements to be provided. These included meal choices, at least four-weekly rotating menu, balance of hot and cold meals, dessert provision, and the provision of cultural meals. Our observations and the findings of the independent dietician were that Acacia was at least meeting, and in some cases exceeding, these service obligations.

Observations of the ingredients in stores, food being prepared in the main kitchen, and finished meals in hot boxes for serving, were that prisoners were receiving appropriate meals. We were pleased to see that meal choices continued to be a feature under the new contract.

Overall the kitchen, catering and food production facilities remained in good condition following some extensive renovation work before the last inspection. Recent food assessment inspections by the Shire of Mundaring identified several plant and equipment maintenance deficiencies that had to be fixed. We understand that these will continue to be monitored through the Shire inspection process.

The Shire report also noted a 'mouse infestation' was being experienced at the time of the its last inspection in April 2021. Acacia reported that it had addressed this through various actions, including changing how it produced its breakfast packs. At the time of this inspection, we did not receive any complaints about mice.

Prisoner perception does not match findings

Despite overall positive findings, prisoner satisfaction with the food at Acacia continued to be below the state average in our pre-inspection prisoner surveys. We had similar findings in our 2018 inspection.

For the question, 'In this prison what do you think about food quality and amount of food?', prisoner responses indicated that only 28 per cent of prisoners rated the quality of the food as 'good'. This contrasts with a state average of 41 per cent. This is difficult to reconcile with the observations we made and the expert analysis of meals. It also contrasted with staff opinion of prisoner meals, with a response of 62 per cent thinking the food quality was 'acceptable', much higher than the state average of 56 per cent.

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The quantity of food provided was also a source of dissatisfaction for prisoners. Only 30 per cent of respondents thought the amount of food provided was 'good' which was much lower than the state average of 50 per cent. In our open comments sections of the survey the quantity of food provided was also mentioned several times as an issue.

Prisoners were part of a food committee that met regularly to provide feedback, requests and suggestions. This was good practice and there was evidence that the prison responded to this forum. For example, a meal choice of salad and cold meats was being implemented for summer after prisoner requests.

Throughout the inspection we observed prisoners using the unit BBQs to cook meat packs purchased from the canteen. This provided prisoners another choice for their meals. However, some prisoners told us that it created a 'haves' and 'have nots' situation with only those prisoners with money or financially supportive families able to afford to buy the meat.

Lack of supervision of food distribution could be cause for some of the dissatisfaction

Evidence gathered during the inspection provided a possible explanation for some of the complaints about food provision. We observed prisoners with excess food stockpiled in their cells, indicating they had taken more than their share, most likely at the expense of other prisoners.

We were also told and observed, that supervision was not strong in some units, and prisoners responsible for serving meals would favour some over others. It also led to some prisoners taking meals they had not ordered, leaving others without.

Overall, there was evidence supporting more diligent supervision during meal dish-up. Also, that cell inspections should be routinely conducted and targeted not just on basic tidiness, but also whether prisoners had inappropriate items in their cell (such as excess food, bedding items or clothing).

Chapter 7

HEALTH AND SUPPORT

NOTE: For this inspection we engaged a forensic psychiatrist to assist in our inspection of Acacia's health and mental health services. The findings in this section are based on their advice but have been summarised for clarity and brevity.

7.1 HEALTH SERVICES

Health services were under pressure due to volume and diversity of prisoners' health issues

Acacia runs a primary healthcare-based model with 24-hour medical cover. Nurses triage patients before referral to the General Practitioner (GP) or Nurse Practitioner if required. Care is provided via a Monday-to-Friday clinic, 24-hour on-site coverage by nurses, and an out-of-hours on-call doctor.

Prisoners are known to have high levels of physical morbidity, including chronic diseases such as cardiovascular disease and diabetes, as well as high rates of mental health problems and substance use (AIHW, 2020). Smoking levels remain high, and other than the Australian Capital Territory, Western Australia is the only state in Australia yet to totally ban smoking in its prisons. Combined with an aging prisoner population (OICS, 2021A), this puts a lot of pressure on the health services of Acacia.

The new contract has impacted the healthcare staffing mix and skills

On 4 October 2021, 11 staff positions were made redundant with the advent of the new contract and the transition to a new service delivery model. We were told that this represented a huge loss in skills and organisational memory. The inspection took place shortly afterwards, and the impact of the new service delivery model was still raw with medical staff.

We heard health centre staff had no meaningful input into the decisions regarding the changes to the nursing staffing and structure.

Table 5: Primary Care Nursing structure changes

Old contract	New contract
12 Clinical Nurses (CNs) provided 24/7 cover	CN positions reduced to 4 (with 2 positions currently vacant) CN only rostered Mon-Fri business hours After 5:00 pm and weekends, no senior nurse is rostered on site Night shifts have 2 Registered Nurses (RNs)
No Nurse Unit Manager (NUM)	NUM position created and filled
No Registered Nurses (RNs)	12 RN positions created (6 positions currently vacant)
Agency staff could be CNs	Agency staff can only be RNs

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The loss of experienced senior nursing staff (CNs), especially for out-of-hours cover, was a risk. Concern was expressed by staff that the prison 'now ha[d] extremely junior staff running the show'. Many nursing staff (RNs) were only recently qualified and did not have the years of clinical experience that the outgoing CNs had.

Although we were told that the nursing structure for the new contract was modelled on a hospital framework, it is fair to say that working in a prison environment, is not the same. Prisoners often have considerable physical and mental health co-morbidities (AIHW, 2020), substance use issues, and language and communication barriers. At the time of our inspection, relatively junior nurses were placed in the position of having to assess medical emergencies out-of-hours without on-site senior support.

We have been told that health staff in prisons often face pressure from custodial staff to limit transfers out to hospital due to the impost of providing escort officers. These were difficult situations for even the most experienced staff to negotiate, but it was concerning that junior nurses had been placed in this position at Acacia.

The RNs require support and supervision by senior nurses and the GPs. Although senior staff were happy to provide this support, it drew on their own time to deliver prisoner care.

The phlebotomist position was also abolished under the new contract. Health, mental health, and administration staff all voiced concerns about the impact this was already having on patient care with delays in assessments and treatment. Previously, the phlebotomist attended five days per week and took blood samples from approximately 140 prisoners per month.

Under the new contract, nursing staff were required to take blood samples but only on three days per week. At the time of the inspection, the pigeonhole for blood sample request forms was full. The medical administration support staff were now responsible for booking blood samples. But under the new contract, administration support staff had been cut from four to three, and only two positions were filled at the time of our inspection. The backlog was causing medical appointments to be cancelled because blood tests were not timely, and this was wasting appointment times.

The five Medication Assistant (MA) positions were abolished under the new contract, replaced by three nursing assistant roles that had additional duties beyond dispensing medication. Formerly performed by a MA and a nurse, dispensing medication now required two nurses, drawing them away from providing clinic care.

KPIs driving clinical priorities but staff were dedicated to providing best service possible

Clinical staff felt that KPIs were driving clinical priorities rather than the clinical needs of the patients, which they found to be especially frustrating due to staff shortages. For instance, staff told us that an annual health assessment was not always a priority if a prisoner had already been seen for another reason, but as it was a KPI, these assessments had to be done.

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Three deaths in custody between 2020 and 2021, including two suicides, had a profound impact on the nursing staff and the wider prison. Nurses noted increased calls for nursing reviews of prisoners for any health issues, which was perceived as a reflection of increased anxiety in the officers being transferred to a nursing responsibility. This conflict between meeting KPIs and undertaking additional reviews often created tension between nursing and custodial staff.

Increased demand on GPs time

There were three GPs who provided the equivalent of 2.0 Full Time Equivalent (FTE) of service. GPs were confident that they provided the same quality of care and equivalent wait times compared to the community. They reported a higher administration burden associated with primary care work in prison compared to the community. There was a need for more detailed medical notes and updating of notes prior to a prisoner's release, including a medical discharge letter. This was generated from the Electronic Health Online (ECHO) system and served as a transfer of care summary for community health providers.

The GPs also reported a higher demand on their time, due to an increased number of older prisoners with complex health needs and falls risks.

The GPs provided more specialist work compared to GPs in the community as prisoners were often reluctant to attend external appointments as they spent many hours in-transit and in restraints. To overcome this reluctance and reduce external transfers, some specialist appointments were done via telehealth and Acacia had also recently purchased an x-ray machine.

A wide range of mental health conditions traditionally sat within the remit of community-based primary care services (e.g. depression, anxiety, post-traumatic stress disorder, learning disability, attention-deficit hyperactivity disorder, and early dementias). Clinical research indicates that fully identifying and tackling the more common mental health problems reduces demand on over-stretched secondary care mental health teams and contributes to the improved wellbeing and rehabilitation of prisoners (Forrester A, 2018). This model was in place and working well at Acacia.

Health staff recruitment, retention and resourcing adversely impacted clinical care

The prison primary care and mental health teams had several nursing vacancies as recruitment and retention of both doctors and nurses was challenging. Some of this is detailed in Table 5. Health workforce shortages are a universal problem both in prisons and the community. This, along with the physical location of Acacia, made the healthcare roles less attractive for staff living in the Perth metropolitan area because of the nature of the work and long commuting times involved.

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The medical centre did not provide adequate space to meet service needs

The medical centre was designed for a prison population of 750 and was too small for the current population capacity of nearly 1,500. Staff were sometimes unable to undertake certain duties because of a lack of space or they had to deliver treatment in less than adequate environments, compromising the care provided. We were told of two recent needlestick injuries sustained due to nurses rushing to administer injectable medication to free up a room.

Some clinical staff advised they were concerned about the security arrangements around prisoners entering the medical centre as there were limited controls for checking prisoners in and out. At the same time, nursing staff were required to spend time every day checking and counting medical items as security checks.

A consistent and systematic approach to induction of new health staff was needed

Medical centre staff reported issues with obtaining an induction to their work areas. Obtaining training and access to supporting IT systems was also an issue. Staff shortages compounded the issue as there was no time for proper site orientation. Some staff reported that they were 'left to sink or swim'.

A clinical educator position, with responsibilities over induction and access to IT systems, was created under the new contract. However, the appointee had resigned just prior to the inspection.

The safety and security induction for working within a prison was delivered more consistently and medical staff felt satisfied that this was adequate.

New dental service is providing a good level of patient centred care

The previous full-time dentist was replaced by a sub-contracted dentist working two days per week. He will undertake surgery and extractions as well as general dentistry. Another dentist was due to start one day per week and performing more general dentistry work as he does not have the necessary experience in extractions. Despite the reduced FTE provision, more dental work was being undertaken than under the previous arrangement. The dentist was supported by a dental nurse.

Pain management through analgesia was equivalent to community best practice, and extraction was performed when necessary. The medical and nursing staff reported that since the new dentist started and was managing acute dental pain and extractions, the requests for antibiotics had stopped. Root canal work was conducted if a prisoner requested to save a tooth. Denture work was on a case-by-case basis for long term prisoners.



Photo 6: Demand for dental services meant the dental suite at Acacia was well used

7.2 MENTAL HEALTH AND WELFARE

High numbers of prisoners with complex and chronic mental health needs

Prisoners are known to have much higher rates of mental disorder than in the general population, including psychotic illnesses (Kingsley, 2010). Acacia manages a significant number of prisoners with severe and enduring mental disorders who are chronically disabled by their illnesses. They may remain psychotic despite treatment but do not reach the level of acuity required to be transferred to the few beds within the State Forensic Mental Health Service. There were also a significant number of prisoners with cognitive impairments which may impact on their functioning, behaviour, and vulnerability. The prison therefore was managing high levels of complex and chronic mental health care needs, with associated behavioural problems and vulnerabilities.

The Department's mental health teams categorise prisoners' mental health care treatment needs according to a staged priority rating from P1 (requires intensive or immediate care) to PA (new referrals not yet assessed). At Acacia the P ratings are completed by the mental health nurses based on the visiting psychiatrist's assessment, and they are submitted to the Department every month.

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Table 6: Psychiatric priority ratings at Acacia 26 November 2021

Priority rating	Number of critical incidents
P1: serious psychiatric condition requiring intensive and/or immediate care	0
P2: significant ongoing psychiatric condition requiring psychiatric treatment	20
P3: stable psychiatric condition requiring appointment or continuing treatment	101
PA: suspected psychiatric condition requiring assessment	0
Total	121

These 121 prisoners were accommodated throughout the prison. The more vulnerable prisoners with a mental health diagnosis were accommodated in Foxtrot Unit. The most acutely unwell were typically held either in one of the two observation cells in the Crisis Care Unit (CCU), or if those were full, in a DU cell for assessment, monitoring and further action including transfer, if required.

Good discharge planning for those with serious mental health disorders is essential (Hopkin, 2018). The first few weeks after release from prison presents a high risk of death by suicide, drug and alcohol use, and other causes (Hobbs, 2006). But discharge planning remained a problem for those prisoners who have no fixed address on release.

At the time of the inspection the mental health nursing team at Acacia did not have access to the state-wide mental health database (Psychiatric Services On-Line Information System, known as PSOLIS), but positively an in-principle agreement for access was reached with the Department. The visiting psychiatrist already had PSOLIS access so the lack of access to existing mental health diagnoses and information by the mental health nurses was not creating as much of a problem as it could in other prisons. In addition, prisoners are transferred to Acacia from other prisons where background mental health information will already have been obtained and recorded on ECHO.

Mental Health staffing shortage impacting on service

The mental health nursing team consisted of one full-time nurse and two part-time nurses, one of whom was acting as the team manager. A Nurse Practitioner position for mental health was created under the new contract but it was unlikely to be filled; our expert noted that there were few appropriately qualified people in Australia, and none in Western Australia. Two other mental health nursing positions remained unfilled. The mental health nursing team was separated from the alcohol and other drugs (AOD) team under the new contract but as the AOD team was understaffed, the mental health nurses were assisting with dispensing methadone one to two days per week.

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In 2016 the Acacia medical centre was our biggest concern during the inspection. We recommended that Serco review health services at Acacia, and implement measures to improve efficiencies, effectiveness, and staff morale (OICS, 2016). This resulted in Serco conducting an independent review of their health system.

In 2019, we found that recommendations from the independent review, to bring mental health and AOD teams together, had been implemented and that there was improvement in this area as a result (OICS, 2019).

At the time of this inspection, we found that the mental health nursing team was once again separated from the AOD team. It appeared to have contributed to a reduction in service to the prisoners and the morale of staff.

The mental health nurses reported that they had no capacity to provide the mental health case management work that would ordinarily be provided to equivalent patients in the community. There was also no mental health crisis response function, although both the mental health nurses and the psychiatrist identified that this would be a valuable service.

The psychiatrist had been working at Acacia since early 2016 and provided care two days per week. Her case load ranged between 120 to 140 prisoners with severe mental illnesses. All prisoners transferred to Acacia with an identified serious mental health condition were booked for an appointment with the psychiatrist. The wait time was approximately two weeks which compared favourably with community standards in Western Australia.

Members of the mental health team, as well as the GPs, reported that the psychiatrist provided a high level of clinical support to them.

The severe shortage of forensic mental health beds remains a problem

There continues to be a desperate shortage of forensic mental health beds in Western Australia to accommodate prisoners with acute mental health conditions. Acutely unwell prisoners can be referred to the Frankland Centre on Form 1A under the *Mental Health Act 2014 (WA)*, but due to the shortage of beds many do not get there and have to be cared for in prisons. We expressed our concerns about this situation in our report on access to secure mental health treatment in September 2018 (OICS, 2018A) and the situation remains unchanged.

We understand that recent modelling undertaken by the Graylands Reconfiguration and Forensic Taskforce (GRAFT) to determine current and forward estimate needs for acute and subacute forensic beds, highlighted that the state currently needs considerably more beds for its population. At the time of writing, there has been no confirmed State Government commitment to fund additional beds. The bed stock remains at 30 secure beds within the Frankland Centre, and four open/non-secure beds within Graylands Hospital which are used for forensic patients on progressive care pathways towards discharge to the community.

HEALTH AND SUPPORT

Crisis Care cells do not provide an appropriate setting for acute mental health care

There were limited accommodation options at Acacia for acutely unwell prisoners. There were two cells in the CCU which were in the medical centre. If these were full, then cells in the DU were used. The CCU and DU cells did not provide an appropriate setting for mental health care or for those in acute psychological distress. The cells did not have access to outside space because of potential ligature points in attached yards. Apart from a TV in the CCU cells, there was no provision of an environment which would assist with mental health recovery. Prisoners typically would only be allowed out once per day for a phone call or exercise in the concrete court yard. Coping strategies such as family contact and meaningful activity were very limited, if not non-existent in some cases. Concerns about this issue were voiced by health staff and peer support, with a peer support worker reporting that 'men come back more traumatised'.

We were informed that if prisoners were suffering from a severe mental illness or had significant behavioural issues due to cognitive impairment, they were usually transferred to Casuarina Prison rather than kept long term in the CCU or DU. We were also informed that the prison needed a dedicated and trained team to manage cognitively impaired prisoners who were behaviourally disturbed.

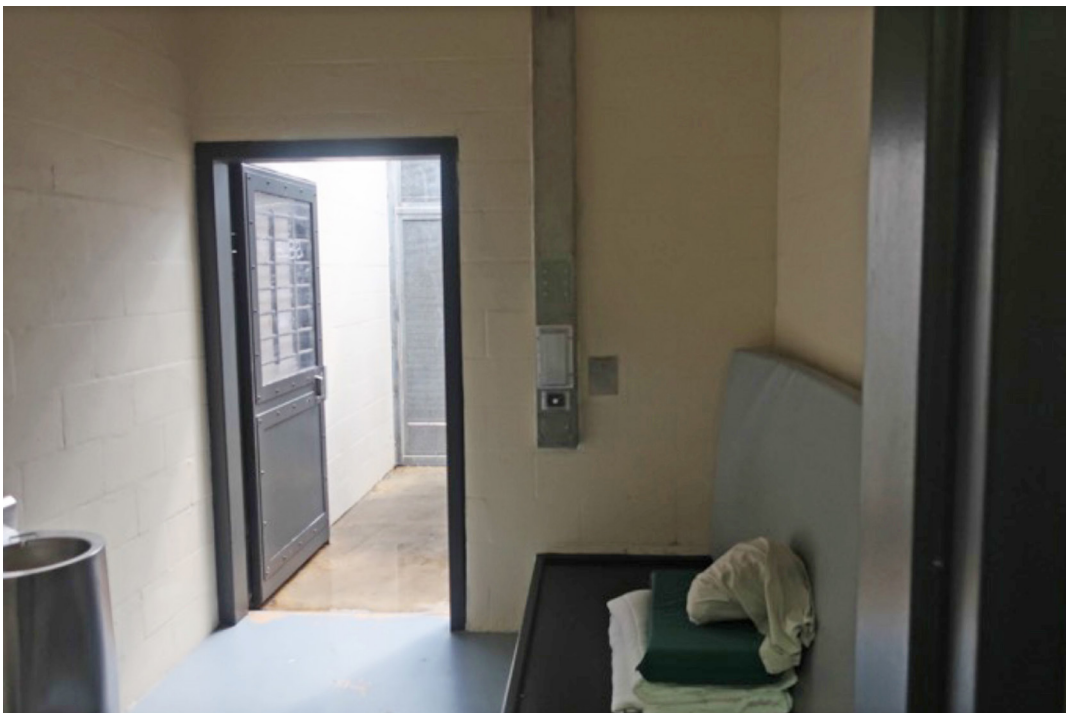


Photo 7: The DU cells at Acacia were not appropriate to accommodate those who were mentally unwell or suffering acute psychological distress

HEALTH AND SUPPORT

The Psychological Wellbeing Services team was functioning well

The PWS team was fully staffed and consisted of social workers, psychologists, and psychology and social work students (one of each discipline). The PWS team performed PRAG work, general counselling, and some AOD work. Induction processes to the team were reported as comprehensive. Response times and waiting lists, at the time of the inspection, were viewed as reasonable by the team and equivalent to community standards.

The PWS team had access to ECHO which was particularly useful for managing those prisoners on ARMS. The team felt that more prisoners would benefit from mental health reviews and input (rather than just seeing primary care teams), but they recognised that the mental health team was chronically understaffed.

Foxtrot staff would benefit from training in managing chronic mental health symptoms and behaviours

Foxtrot Unit has 33 beds divided into two wings; one for those requiring assisted care or with specific protection needs, and one for vulnerable mental health prisoners. This included one non-verbal prisoner with autism who communicated via an electronic device. A transgender prisoner was located in the unit and the inspection team noted the custodial staff's respectful language and thoughtful references to her placement needs.

Custodial staff volunteer to work in the unit but do not receive formal training in managing chronic mental health symptoms and behaviours. This was despite having to manage chronically unwell prisoners and encouraging their compliance with psychiatric medications. Those staff we interviewed displayed a good understanding of the importance of positive relational security with the prisoners. They were each allocated specific prisoners to care for, and this allowed them to identify changes in prisoners' routines or presentation which may be early indicators of risk or mental health relapse. This was a commendable practice.

Health outcomes would benefit from greater cultural security in the service delivery

Aboriginal men are overrepresented in prison populations and, compared to non-Aboriginal Australians, have higher rates of ill-health and disability, including chronic diseases such as diabetes and cardiovascular disease (AIHW, 2020). Many at Acacia may also be off country, away from cultural supports and may not speak English as a first language.

Over the years, our inspections have clearly demonstrated that Aboriginal prisoners will seek out Aboriginal staff for support and assistance. Our 2016 report on recruitment and retention of Aboriginal staff in the Department highlighted that this had many benefits, including building communication, bridging the gap between staff and prisoners, reducing risks to both prisoners and staff, and improving the prospects of rehabilitation (OICS, 2016A).

Two Aboriginal health practitioners were recruited at Acacia in July 2021, but one had already left. The remaining practitioner reported that Aboriginal prisoners were keen to engage with her.

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Apart from some pieces of Aboriginal art in the medical centre, it was a rather stark environment. It was devoid of the type of health promotion and awareness posters seen in many other prison medical centres.

We often hear that many Aboriginal prisoners do not like attending the medical centre or having to see multiple practitioners. Two Aboriginal health practitioners may overcome this hesitancy. Having Aboriginal health practitioners would allow them to outreach to the units and encourage Aboriginal prisoners to comply with chronic disease monitoring and engagement in physical activity. This will rely on recruitment and retention, and then support by the wider prison for a flexible and prisoner-centred approach to delivery of health care.

We heard that prior to July 2021, a GP and nurse from the Derbarl Yerrigan Medical Service attended the prison on a monthly basis to see Aboriginal prisoners coming up for release and, when required, link them into community health providers. This was good practice that should be continued in some form or another through engagement with a local Aboriginal medical centre.

More timely assessment and treatment interventions would be beneficial

Despite many security and preventative initiatives, the reality was that illicit substances were available to varying degrees in most prisons and Acacia was no different. It is not uncommon for some prisoners to share needles despite the inherent risk of transmission of blood borne viruses (BBVs). It was the opinion of our independent medical expert that from a public health perspective, prisoners should have access to clean needles because some prisoners will continue to inject drugs while incarcerated.

Acacia provided a methadone program for up to 140 suitable prisoners and there were around 105 on the program at the time of the inspection. There were a further 50 prisoners on the waiting list. The Prison Addiction Services Team (PAST) nurse assesses prisoners for the methadone program before referral to the GP. The Acacia GPs and PAST nurses were preparing for the transition from methadone to depot buprenorphine for suitable prisoners.

When a prisoner on the methadone program is due for release, the PAST nurse arranges continued prescribing in the community through the Community Program for Opioid Pharmacotherapy (C-POP), which finds a pharmacy and GP in the area of release.

We were told that the PAST Team was also understaffed. There was one nurse practitioner (NP), two CNs and one RN, but only the two CN positions were filled with one of those staff transitioning to the NP role. The PAST team noted that new services such as the Drug Strategy program had been introduced recently but they felt that it had been poorly communicated to relevant staff.

Under the Drug Strategy there was an allocated worker who sits within the PWS team. All prisoners who have a positive urine analysis were referred to them once the charge was resolved. The worker will then see the prisoner face-to-face to discuss intervention needs, but all interventions were voluntary.

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7.3 SUPPORT AND WELLBEING

Peer Support had not been functioning well

At the time of our inspection there were no Prison Support Officers (PSO) on site at Acacia. One position had remained vacant since the start of the year, and the other was on an extended absence. This had a major impact on how the peer support team was functioning.

The peer support program in prisons was introduced following the Royal Commission into Aboriginal Deaths in Custody. It was identified that an individual's risk of suicide was greatly reduced when there was sufficient access to support provided by others (RCIADIC, 1991). Prisoners were identified as a valuable support to their peers, as they were available outside core hours and could provide a friendly, familiar face.

Acacia had an allocation of 24 peer support worker (PSW) positions within the peer support team. We were very concerned that at the commencement of our inspection only 10 of these positions were filled. Five of these representatives were drawn from mainstream blocks, four from one protection block, and one from the Foxtrot Unit. The draft local Peer Support strategy states that:

'it is essential that all blocks and units have at least one allocated PSW, with the Prison Support Officers to ensure that a greater number is allocated to accommodation areas with higher needs.'

However, all five mainstream representatives live in the self-care pods in November Block and all four protection were residing in Juliet Block. We also noted that only one of these men was Aboriginal. Given the recent instances of suicide and self-harm attempts at Acacia, there were opportunities for a broader spread of PSWs across all units.

In its simplest form, the core function of peer support is suicide prevention. But it is also important that peer support maintain relationships and, through meaningful engagement, provide support to men who may not be on ARMS or SAMS. However, at the time of our inspection this was not occurring at Acacia. Although Acacia had implemented other peer support type networks, their core function was not peer support.

7.4 PEER SUPPORT WORKERS

Safeguards needed strengthening

We were concerned to hear of a practice involving PSWs being asked to see prisoners on ARMS or SAMS and then write up notes for PRAG. These notes were recorded in books which were then passed on to administrative PSWs for unsupervised entry on an isolated computer. These notes were then accessed by the PSO and read out during PRAG. We also heard notebooks from protection PSWs were handed to staff to be given to the administrative PSWs, and on occasion these had been misplaced.

We were told that the rationale for this was that at-risk prisoners may be more open to a friendly face. As noted above, most PSWs reside in two units, so that argument has an obvious flaw. In most state-run prisons, this type of task rests with the PSO or perhaps the

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Aboriginal Visitors Scheme (AVS) officer, certainly not prisoners. It may be the case that this type of information was fed to the PSO who may use that to support their own observations.

There are many issues with this practice, including that:

- it breaches prisoner confidentiality
- it questions the judgments or adequacy of summaries prepared by prisoners
- it risks unqualified opinion being introduced into the notes
- no support was offered to PSWs to address issues.

Given the above points, little reliance is likely to (or ought to) be placed on this information during PRAG.

The PSO was responsible for ensuring that PSWs received adequate and appropriate training to fulfil their role. Yet only one team member had undertaken Gatekeeper Suicide Awareness training. PSWs informed us they used to meet regularly with PSOs to discuss caseloads, clients and other issues. Further to this, they had previously received supervision from PWS in relation to their role, and to assist with any vicarious trauma or compassion burden they might be holding. But this had ceased.

It appeared in the lead up to our inspection, that Acacia had a cohort of PSWs who were totally untrained and not adequately supervised. Yet, their role was critical, it held so much risk and confidentiality. We were told that the Safer Custody Team was aware of issues with this practice and were making changes, but these concerns warrant consideration sooner rather than later. The peer support function must ensure that there are enough PSOs to adequately supervise PSWs and that there is equitable representation of PSWs in each block and unit.

Recommendation 8

The prison should review the appropriateness of the role of the Peer Support Workers within the Prisoner Risk Assessment Group process and implement recommended changes.

Recommendation 9

Acacia should ensure there are sufficient Prison Support Officers to adequately supervise Peer Support Workers and there is equitable representation of Peer Support Workers in each block and unit.

Chapter 8

SECURITY

8.1 PROCEDURAL SECURITY

Security continued to improve despite some set backs

Our 2018 inspection found that there had been significant improvement in the areas of security (OICS, 2019). However, this inspection we found some of the improvements had not worked out as well as had been expected.

The millimetre body scanner showed much promise as an aid in finding contraband and in reducing the need for pat or strip searching. However, we were told that it had been removed due to problems around licensing. Acacia had already ordered a new microwave scanner to use at the back of the visits area to reduce the need for strip searching prisoners on entry to and exit from visits. The new microwave scanner was apparently close to delivery at the time of our inspection and would not create the same licensing issue.

Acacia had also purchased a drone prior to the last inspection. This had not been used for some time and not for the purpose it was originally purchased. It appeared that it did not have the capabilities it was said to have at the time of purchase.

Notwithstanding these setbacks, Acacia was still proactive in implementing improvements in the security area. The facility purchased and installed additional cameras that allowed better vision down the spines of the units and eliminated several identified blind spots throughout the prison. These, plus the renewal and upgrade of body worn cameras and, relocation and upgrade of the incident control facility, were important improvements. The improvements should increase safety for prisoners and staff, better security practices and ultimately better management and control of the prison and prisoners.

Anti-Corruption Prevention Committee continues to meet

The Anti-Corruption Prevention Committee (ACPC) was put in place after a negative report by the Corruption and Crime Commission (CCC) in 2018 (CCC, 2018). The ACPC is comprised of the Superintendent, both Deputy Superintendents, the Integrity Manager, Security Manager, and representatives from HR. It met on a monthly basis but was joined by representatives from other external agencies on a bi-monthly basis. We were told that the continuation of the ACPC demonstrated Acacia's commitment to maintaining improvements around ethics and integrity. Although there were several meetings missed during 2021 due to non-attendance from other agencies.

Contrasting management styles between shifts remained an issue

Custodial staff rosters at Acacia operated on a two-shift basis; A Shift and B Shift. Contrasting management styles between the two shifts has been an issue at Acacia for many years. This inspection was no different with prisoners again complaining of differences in management styles between the two shifts. Prisoners also said that one shift was more engaging with prisoners than the other. Prisoners told us they just wanted consistency in staff responses and actions, so they knew where they stood and how they were expected to behave.

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Some staff also spoke of times when they would work overtime on the other shift and they were unsure how the other shift did certain things. This often resulted in the officer not carrying out assigned duties consistently with others on the shift, which in turn effected the service provided to prisoners.

Differences between how one shift operated compared to the other should not exist. Consistency in the management and operational practices of both shifts is critical. This has been an ongoing issue for the past two inspections and despite past attempts by staff and management to address this issue, there has been little change. Another approach may be needed to rectify the situation and provide consistency in the management of the prisoners between the two shifts.

Recommendation 10

Ensure there is consistency in the management of prisoners and in operational practices of both shifts.

8.2 RELATIONAL SECURITY

Staff interaction with prisoners had reduced

Staff at Acacia told us that due to compliance requirements and the impact of cross-deployments, the time available for and quality of service to prisoners had reduced. One area of concern expressed by staff was that of interaction with prisoners. They thought that the amount of available time they had to interact with the prisoners was so reduced that they often did not have time to deal with prisoner queries and had to send them away. This limited their ability to talk at any length with prisoners which, in turn, restricted their ability to build rapport and gather information.

The contact and interaction between staff and prisoners were occurring mostly during scheduled operational requirements such as counts, cell inspections, and searches. Despite this, the intelligence team still felt that they were receiving a reasonable amount of good quality intelligence reports from officers.

8.3 EMERGENCY MANAGEMENT

Emergency exercises up to date and reflected main risks

Despite COVID-19 restrictions, the contract bid and the transition to the new contract, Acacia still managed to complete more than the Department's required amount of emergency management exercises. While some were desktop exercises, there were several live exercises undertaken involving outside agencies such as the Department of Fire and Emergency Services, St John Ambulance Service, and the Western Australian Police Force.

Additional exercises were also conducted for the prison's main threats such as bushfire. Acacia's population had grown to the point where it could not be evacuated in an emergency. So, in the case of a bushfire, there was little option but to stay and defend. For this reason,

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some staff and prisoners were trained in various areas associated with bushfire control. The prison has firefighting equipment to fight ember attacks within the prison grounds and to work with local fire services in the event of a major incident.

New Incident Control Facility was impressive

Acacia management debrief after each exercise or critical incident and conduct a lesson learned session. Several sessions had identified the need for the Incident Control Facility (ICF) to be relocated and upgraded. This was recently completed and included improved practices and equipment, such as;

- better communication across the prison during an incident
- improved live footage of the incident to monitors in the incident control facility
- better access control for entry into the ICF.

During the inspection we attended a demonstration of the new ICF and observed its impressive capability and technology.

8.4 DEATHS IN CUSTODY RESPONSE

Should a death in custody occur there was a solid process of response

Should a death in custody occur at Acacia, there were well-established response processes and procedures followed which resulted in incident reports, debriefs, and reviews to identify areas that may need to be addressed.

TOMS reports showed that there had been four deaths in custody at Acacia in the past three years. While the Coroner had yet to determine each matter, we were told that Acacia had done their own internal review of each death in custody to look at what had happened before, during, and after the incident. From these reviews, the prison had produced several internal recommendations with actions taken to address each one.

Further, as a result of these deaths in custody, in 2020 Serco engaged former Inspector of Custodial Services, Professor Neil Morgan, to conduct a review of self-harm and at-risk monitoring systems and related services (Morgan, 2021). The report contained 19 recommendations and we heard that 15 had been addressed. The four outstanding recommendations had been actioned but, at the time of our inspection, were still being evaluated as to their suitability before implementing changes.

Acacia had taken proactive action in response to these tragic incidents, but ultimately these are matters for determination by the Coroner.

8.5 GATEHOUSE PROCEDURES

The Gatehouse was busy

Throughout the inspection we observed professional, polite, and helpful interactions between gate staff and those entering the prison. We also observed that, at certain times of the day, the front gate area was very busy with staff, official visitors, service providers, and/or contractors entering or leaving. At times, the front gate was only staffed by one

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officer, which made it very difficult to monitor all of the movements and control the doors, while attending to non-staff entrants, answering questions and phone calls, and logging entries. However, we noted that there were many more staff monitoring the front gate when social visit sessions were commencing.

The front gate area was poorly designed to effectively control and separate the entry and exit of staff, visitors, and contractors. The design does not allow for easy flow and separation of staff entering through to pick up keys, radios, and other equipment, and then enter the prison without contact with others in the area. It is one of the reasons that the electronic key watcher system is still unused, and keys are manually issued further inside the prison. We were told that Acacia was working on a new design to address these concerns that it hoped will be approved by the Department.



Photo 8: Staff at Acacia's front gate were busy with various security and administrative functions in an area that was poorly designed

Chapter 9

REHABILITATION AND REPARATION

9.1 RELEASE PREPARATION

An extensive range of services for re-entry preparation

Acacia had an extensive range of services and programs to prepare prisoners for release, including many that included post-release support.

A pivotal role in connecting prisoners to services was undertaken by prisoner clerks who worked in the Reintegration Unit. They interviewed and assisted prisoners seeking help with their parole and release preparation. The reintegration workers also assisted staff in running a regular preparation for parole workshop. Staff then made referrals to ReSet, drug rehabilitation services, RSN programs, and other services.

We found during the last inspection in 2018 that ReSet, the re-entry contractor for the metropolitan region, had initially been prevented from providing a full range of services to Acacia (OICS, 2019). Uniting Care West, who worked with certain very long-term prisoners, provided a reduced level of service to Acacia, but ReSet was only accepting very limited referrals.

In 2019, ReSet's contract was varied to allow engagement with Acacia, although no additional resources were provided to them. But this variation did not include the drug counselling programs which were being delivered by ReSet at other metropolitan prisons.

Acacia commenced a major new initiative in 2021 with the RSN which was developed as part of Serco's rebid for the Acacia contract. It aspires to provide transitional services of direct benefit to prisoners by engaging several community agencies to work with prisoners before and after release. During this inspection we observed a high level of engagement from two of these agencies, Wirrpanda Foundation and OARS Community Transitions, who were providing regular services to prisoners due for release. It was harder to gauge the impact of Wungening, Real Futures or the Aboriginal Men's Healing services as they were less evident during the inspection. And, at the time of our inspection Shine for Kids had not commenced delivering their range of services.

Another new initiative we observed was the Parole In-Reach Program (PIP) which was being piloted at Acacia, and elsewhere, and was also showing promise.

Access to services needed better coordination

Although there was a good range of services available to prisoners at Acacia, referrals and engagement lacked a coordinated approach. We heard that having so many services available, which was positive, may be confusing for some prisoners, particularly with many service providers competing for attention from eligible Aboriginal prisoners or providing similar services.

Another complication was that prisoners' access to services and programs were facilitated by different areas within the prison. For example, some were offered through Reintegration, others went through Aboriginal Services, or Programs, and some agencies appeared to take direct referrals.

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There was also considerable duplication of services, for example:

- family and domestic violence (FDV) programs were offered by Outcare and Community Transitions
- employment preparation programs were offered by Ebenezer and Wirrpanda
- drug programs were offered by Programs and Prisoner Welfare Services, Aboriginal Services, Community Transitions, and Wungening.

We acknowledge that some of these services were focused on different cohorts of prisoners, but there was potential for prisoners to apply for multiple programs, sometimes doing two or more.

The system relied on prisoners to initiate a request for help in preparing their parole or release plan, to attend a program, or to seek assistance or referral to a service provider. Many prisoners were motivated to do so, but others were less so. We encountered one Aboriginal man who told us he had done his own parole plan without talking to anyone and had not participated in any of these programs or services. He could not remember being approached by anyone offering him help. He anticipated he would get a positive parole decision, but this had since been denied. Parole denials are complex decisions, but this prisoner may have benefited from a coordinated approach by staff earlier in the process, even if it was to manage his expectations around the likelihood of parole success.

We understood that one of the main objectives of the re-entry services contract was that all prisoners rated at medium or high-risk would be referred to the re-entry contractor, or at least offered such a referral. But this has never been the case at Acacia and, as noted above, prisoners must seek assistance or referral. We believe there needs to be an effective screening process and a proactive offer of assistance initiated by reintegration staff, certainly for the higher risk cases, if not all eligible prisoners.

Recommendation 11

Implement an effective screening process that leads to a proactive offer of assistance to all eligible prisoners.

9.2 EDUCATION

NOTE: For this inspection we engaged an education expert to assist in our inspection of Acacia's education services. The findings in this section are based on their advice but have been summarised for clarity and brevity.

Access to education was limited

Education at Acacia operates throughout the year offering two and three quarter-hour sessions each day, to maximise opportunities for prisoners to engage in education. This avoids school holiday breaks that we see across most public prisons. However, access to education was limited by the number of facilitators and the availability of classrooms. It was further limited because employed prisoners were not permitted to engage in education as it

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was considered a form of employment. Consequently, the number of prisoners engaged in education at Acacia was low compared to the total prisoner population.

Education services offered a range of options, including: Adult Basic Education (ABE); several vocational education and training qualifications; higher education courses; and other short courses. With the implementation of the new contract, training or certificates in the industries area was no longer managed by education services and instead had become the responsibility of the Industry Manager.

An Aboriginal education worker still had not been appointed

Our 2018 inspection recommended appointment of an Aboriginal education worker which was supported in principle by Serco (OICS, 2019). A positive development was that Acacia now had an Education Facilitator, who identifies as an Aboriginal person. The Aboriginal Education Facilitator attended Education unit planning meetings where she has input in to strategy, delivery methods, culturally responsive content, and she was also on the Aboriginal Services Committee.

We also noted evidence of a commitment within the education service to make education inclusive for Aboriginal prisoners. To enhance this, the creation of a dedicated Aboriginal Education Worker position would allow specific focus and commitment to supporting and increasing Aboriginal prisoner engagement in education and training. It would also provide the person the specific responsibility to effectively advocate for Aboriginal prisoners.

Recommendation 12

Serco actively seek and employ an Aboriginal education worker.

Education Facilitators were enthusiastic tailoring programs to prisoners' needs

At the time of the inspection there were seven Education Facilitators and the prison was recruiting to fill two vacant positions. Peer Tutors were also used to support all education programs.

There was a focus on providing meaningful educational outcomes for prisoners. The Education Manager built on Education Facilitators' strengths, encouraging them to adapt training materials to meet prisoners' education needs. Good examples of this were:

- the delivery of ABE within the content of a fitness course
- the inclusion of Information Communication Technology (ICT) skills in courses whenever possible
- using culturally inclusive resources in ABE and Art classes
- exploring the possibility of introducing the Certificate IV in Fitness as a pathway to employment.

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It was pleasing to see a significant number of prisoners engaged in higher education, with 39 prisoners studying a university course, a university-ready course, or the Justice and Equity Through Art course. There were another 39 prisoners studying either a Certificate IV or Diploma in Work Health and Safety, as fee-for-service students.

There were also considerable wait lists for access to higher education, with 40 prisoners waiting for university entry and over 100 for fee-for-service courses. One Education Facilitator supported the higher education students which limited the number of participants that could be supported at any one time.

Education focussed on those with lower literacy and numeracy

ABE is delivered to support development of foundation literacy and numeracy skills. Under the contract, prisoners at Acacia who are assessed on arrival at the lower level of C or D in literacy and numeracy, must be given access to ABE courses within three months of assessment, unless they sign a waiver. The Education Facilitators put considerable effort into meeting the literacy and numeracy needs of their students, including delivering books to units to assist with continuity of learning when there are extended lockdowns.

With the focus on those prisoners with low literacy scores, there was a considerable wait list for ABE courses for prisoners who were assessed at the higher A or B levels, or those who had applied to do a course through the CMS. It was possible that many of these prisoners will not get access to ABE courses reducing their opportunities for further training.

Successful completion of ABE units potentially provides a pathway to other training options. Unfortunately, there were limited low/mid-level courses (Certificate I and II) available for prisoners to progress through. It was expected that this would be exacerbated in 2022 when the Certificate I in Information, Digital Media and Technology was to be superseded and replaced by a Certificate II level qualification.

Consideration could be given to creating meaningful low and mid-level education pathways, particularly for those scoring an A or B on their initial assessment. This would enable prisoners to continue to build their level of literacy and numeracy and develop work readiness skills.

Traineeships had increased but the range could be wider

Traineeships combine education with on the job training which can provide prisoners with meaningful work, and pathways and skills that increase their future employment prospects.

There was a small increase in the number of traineeships offered at Acacia, from 30 in 2018 to 39 in 2021. Most were provided by the kitchen with qualifications offered in Commercial Cookery, Kitchen Operations, Supply Chain Operations, Cleaning and Hospitality. The only traineeship offered outside of the kitchen was in Engineering.

Cognisant that access to traineeships was limited by employment opportunities within the prison and the availability of a suitable industry trainer, it would be worth exploring whether additional traineeship opportunities could be made available across all industry areas.

REHABILITATION AND REPARATION

Lockdowns were negatively impacting prisoners' education experience

We were told that access to, and continuity of, education was being impacted by lockdowns resulting from staff shortages and cross-deployments which often prevented prisoners from attending education. At the time of our inspection, this was occurring once or twice per week. This impacted prisoners' engagement in education by breaking their routine and could, on occasion, result in prisoners deciding not to continue their courses. The reduction in contact time also had the potential to impact course completion within the allocated period, and although extensions could be granted, this delayed the start time for the next cohort.

We were told that the frequency of education being impacted by lockdowns gave some facilitators the impression that education was not a priority at the prison.

Digital literacy was critical to prisoner reintegration

Education services had implemented several solutions that provided prisoners with some exposure to technology. For example, access to offline email, wikis and websites. Also, universities upload course materials to the cloud which allowed the Education Facilitator to save time locating and downloading information for prisoners.

We were told that 10 secure laptops would soon be available to university students enabling them to continue their studies in their units. New desktop computers with the Windows 10 operating system were also expected to be available. Both would improve the educational experience for some prisoners.

As previously mentioned, the Certificate I Technology qualification offered at Acacia was set to be replaced by Certificate II in Applied Digital Technologies in 2022.

Digital literacy was critical for prisoner reintegration, particularly those at the end of long sentences. Familiarity with technology is necessary to navigate the online world to identify supports available, find and keep employment, access key government websites, and maintain contact with family through modern technology. Introducing a dedicated digital literacy short course for all interested prisoners but particularly targeting those with poor digital skills may go a way to bridging any gap.

9.3 ASSESSMENTS, SENTENCES AND CASE MANAGEMENT

Outstanding initial Individual Management Plans were still creating problems

Acacia had 427 outstanding initial Individual Management Plans (IMPs) at the time of our 2018 inspection, but this had reduced to 254 by November 2021. Of these, Hakea Prison was responsible for 67, and Acacia for 187.

A contract variation had made Acacia responsible for initial IMPs for prisoners received after 16 May 2021. Although Acacia had previously done initial IMPs, the Department had dropped this requirement and Acacia lost its trained staff. With the new contract variation, Acacia had to rebuild its capacity by training new staff. Acacia had four positions in this area but have only been able to appoint two contract staff to undertake treatment assessments.

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The other two positions were unfilled, despite repeated efforts to recruit suitable candidates. The last successful candidate identified was lost due to the extended appointment and security clearance process.

As part of the rebid process, Serco dropped the Assessment Manager's position. This effectively placed responsibility for much of this role onto the team leader within the Assessments Team. This left the team leader to coordinate assessments and movements, and without a manager to induct, coach and support staff, or deal with more complex cases and manage the Movements Officers. Although it appeared that the team leader was effective and well regarded, the loss of the manager in this area has potentially undermined the stability and effectiveness of the unit over time.

9.4 CASE MANAGEMENT

Case management was good in theory but offered little value in reality

This office has long been critical of the Department's case management system as extremely limited in scope and value (OICS, 2016B; OICS, 2018; OICS, 2021). Across the system, not just at Acacia, the current system is inconsistent with the case management principles specified in the Guiding Principles for Corrections in Australia to which the Department subscribes. The principles describe prisoner case management as 'holistic', 'structured', 'integrated', 'end to end', 'utilis[ing] a multi-disciplinary approach', whereby prisoners are 'supported and encouraged by staff to address their criminogenic needs' through programs and services (Corrective Services Administrators' Council, 2018).

What happens in practice appears to be more of a compliance exercise rather than the comprehensive model of supports envisaged in the Guiding Principles. The Department's case management system provides that only those prisoners under an IMP are assigned a case manager. The case manager is required to meet with the prisoner once every six or 12 months, depending on sentence length, for the sole purpose of discussing their progress in undertaking their IMP.

At Acacia, according to our calculations at the time of the inspection, only 619 prisoners were up to date with their case management out of 1,210 who should be case managed. This would be quite concerning if case management offered any real value for prisoners. During our inspection work we often get told by both officers and prisoners about how ineffective the current case management system is. Officers tell us they are concerned that it is a waste of their time and offers no real value to prisoners. We have been provided examples of officers having to do case management for prisoners they do not know or have not met. We also hear from prisoners who have not had any conversations about their case management or seen their case management report, yet the report had been completed and signed off. All of this leads us to the view that the current system is not working as intended.

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While there is a long hard road ahead for case management to be truly effective, Acacia did offer some of the more positive elements of case management in other ways. For example, the Hindsight and RSN assessments, which were completed with all prisoners during orientation, were very comprehensive and designed to support engagement in throughcare programs. The Young Adult Mentoring program provided a form of case management to men aged 18-28 years at least for a settling in period. Some of the RSN provider agencies, such as OARS Community Transitions, and the funded re-entry support agencies such as Wungening and United Care West, also case managed prisoners before and after release. But, ultimately, case management ought to assist prisoners to work through their IMP over the course of their prison sentence not just at touch points along the way.

9.5 PROGRAMS

The programs team sustained a high level of output but there was unmet demand

Acacia delivers a range of offender programs. The following table, taken at the time of our inspection, outlines programs completed in 2021 and programs still planned for 2021, along with the number of prisoners completing each.

Table 7: 2021 offender programs at Acacia at 2 November 2021

Program type	Courses		Individual completions		
	Completed in 2021	Still planned for 2021	Completed	Drop outs	In train
Intensive Program (violence)	4	2	18	4	47
Medium Intensity (general)	5	2	46	3	10
Pathways Program (AOD)	7	1	59	10	10
Stopping Family Violence	1	1	10	0	10
Think First (general)	3	0	28	2	0
TOTAL	20	6	161	19	77

Four programs were cancelled due to staffing and scheduling issues at the beginning of Quarter 4. These were rescheduled pushing out completion dates, in some cases into 2022, and delaying other programs.

In all, over 10 per cent of prisoners had completed a program so far in 2021, and another five per cent were due to complete or at least start a program. However, there were more than 300 prisoners (more than 20%) unable to access the formal interventions they required. The areas of highest unmet demand were in relation to addictions, and sexual and violent offending. And with over 250 outstanding initial IMPs, the true level of need was likely much higher.

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It may be difficult to recruit the required facilitators to deliver the contractual increase in programs

In all, 26 programs were planned to run or commence in 2021. In order to meet the program requirements set under the new contract, we were told that program delivery was intended to increase to 40 programs per year. But program staff were concerned it would prove difficult to recruit the additional eight staff needed to deliver these extra programs. We heard that difficulties in recruiting suitable program staff were compounded by Acacia's location and also that the Department was recruiting for similar positions at the same time. Once recruited, new staff who may not have group facilitation training or experience and may lack familiarity with the Department's programs will need comprehensive induction training before they would be effective in the role.

Some programs were out-of-date and not effective

Concerns were also expressed to us that programs being delivered were out-of-date and required significant adaptation. For example, Pathways, Stopping Family Violence, and the Violent Offender Treatment Program (VOTP). Many were also not responsive to people with learning difficulties or from certain cultural backgrounds.

We understand that the VOTP is to be replaced by the Violence Prevention Program in 2022, but the new program takes longer to deliver and requires more facilitation resources which will work against the increased program delivery requirement.

9.6 VOLUNTARY PROGRAMS

Acacia provided a range of voluntary programs

Acacia hosted and/or provided an array of voluntary programs to address offending issues. These were predominantly substance use and family violence focussed, but they also addressed gambling, victim awareness, parenting, life skills, healthy masculinity, spiritual growth, and strengthening Indigenous culture. There were also various voluntary programs providing career development and pathways to post release employment.

Voluntary programs were in high demand from prisoners seeking to improve their likelihood of parole and, in many cases, by those still awaiting assessment or unable to access their IMP identified programs. We understand that Sentence Management staff at Acacia have liaised with the Prisoner Review Board who appeared generally positive about these initiatives and voluntary programs. But parole decisions are unique case-by-case determinations and it would seem unwise for prisoners, or indeed the prison system, to rely solely on voluntary programs as a means of gaining parole.

Access to voluntary programs could be difficult

While large numbers of prisoners were eligible to undertake voluntary programs, access to them was often limited. We heard a high degree of frustration from prisoners wanting access to voluntary programs but unable to do so. There appeared to be several reasons

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for this, including a cap on the number of prisoners able to access Oscar Block which limited enrolments in voluntary programs. Room limitations was another factor, especially in Whiskey Block.

We also heard about a lack of coordination of access to voluntary programs. There appeared to be little in place to prevent individuals gaining access to multiple programs, potentially at the expense of other prisoners.

With such a wide range of voluntary programs available and the high levels of demand evident, it seems logical that Acacia ought to put better coordination and management in place to ensure equity of access and maximise outcomes for prisoners from these valuable resources.

9.7 EMPLOYMENT

Industries Plan aspired to 100 per cent employment

Acacia had a progressive Industries Plan which aspired to achieving 100 per cent employment. We were told that they were intending to introduce the Real Change program which was focused on a strengthened prisoner journey to rehabilitation and reintegration. The prisoner handbook contains the following commitment to prisoners:

All prisoners have the opportunity for employment while imprisoned at Acacia Prison. Employment is targeted at using existing skills, gaining new skills and the development of positive work ethics, all with the ultimate aim of making prisoners 'job ready' on release and therefore contributing to reducing reoffending. As such, engagement at Acacia Prison will replicate as far as possible, community standards and practices in order to provide prisoners with 'employment readiness' skills as well as employment skills.

Unemployment and under-employment needed to be addressed

Employment is an essential element of a constructive daily regime for prisoners, it adds to the good order and security of the prison and provides prisoners with an important avenue for rehabilitation. For some prisoners, it is the only way they can afford to purchase personal items from the prison canteen.

It follows then that it is vitally important that prisons provide meaningful employment opportunities for the maximum number of prisoners possible. At the time of our inspection, almost 24 per cent (334) of prisoners at Acacia were unemployed. We were told that most positions in the prison were full and there were few vacancies. It was also important to note that prisoners engaged in education and/or programs were included in the employment figures.

We often say that unit workers (i.e. block workers at Acacia) are under-employed because they often have jobs requiring limited time and only basic skills (e.g. unit cleaners). But with industries at Acacia only operating half days and with relatively few jobs in the prison requiring more than four hours per day, under-employment was evident throughout the prison.

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Further, of the total Aboriginal population (508) at the time of our inspection, 37 per cent (188) were unemployed compared to a 16 per cent unemployment rate for the remaining population (903). Although Aboriginal prisoners were well represented as block workers and in education or training, they were under-represented in industries and other employment areas.

To address these issues and move toward the 100 per cent employment commitment, additional employment through expansion or rethinking current practices will be needed at Acacia.

Acacia industries took a setback in 2021

Acacia industries were disrupted in 2021 following a requirement from the Department to have all their contracts re-certified. This took some months to achieve and resulted in the loss of some contracts and others being placed on hold awaiting certification.

There was a loss of a large long-term contract with a local trailer company which the Department declined to re-certify. There was also an existing contract to fit out sea containers, which was put on hold as it was taking a long time to have the new contract proposal certified.

At the time of the inspection, Acacia was actively seeking an external laundry contract. The relocation of the laundry into Hotel Block increased its size and output capacity, and a new contract would provide more employment opportunities for prisoners.

Historically, Acacia has had success in attracting new industries often with longer-term contracts, which provided stability of employment for many prisoners. However, the loss of some contracts, coupled with limitations in the areas available for new or expanded workshops, and the increased prison population over the years, has resulted in higher rates of unemployment and under-employment.

At the time of our inspection we heard of plans to change the way prisoners were employed through an initiative called the Real Change Program. This involved a move toward making the conditions of prisoner employment more like that found in the community. This included having a full day of working hours, meals served in the work place, and more competitive recruitment processes and interviews for available positions. While this initiative may not provide additional employment opportunities, it was intended to prepare prisoners for release by giving them the opportunity to build a work ethic and familiarity with what would be expected of them in the community.

Other intended benefits were a reduction in prisoner movements, better deployment of staff resources, and prisoners planning their week around their employment days, for example booking visits and appointments on their days off.

It remains to be seen if this initiative can be implemented and work as planned, but it was encouraging to see new ideas and approaches being explored.

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Subsequent to our inspection and during the drafting period for this report, there was a large prisoner disturbance at Acacia which resulted in significant damage to some of the industries workshops. Repairs and rebuilding will take some time, and this will have a major impact on the availability of employment in these areas.



Photo 9: Significant damage was caused to Acacia's industries workshops during a disturbance in February 2022

Chapter 10

THE NEW CONTRACT

NOTE: For this inspection we engaged a contract expert to assist our inspection and review of the new contract. The findings in this section are based on their advice but have been summarised for clarity and brevity.

10.1 CONTRACT MANAGEMENT AND OVERSIGHT

Contract Value

The new agreement runs for five years with two extension options of up to five years each. The contract value was around \$89 million for the 2020-21 financial year. The full 15-year term of the agreement has a procurement value of approximately \$1.6 billion.

Key changes in the new agreement

Prior to the new agreement Serco was contracted to deliver prison services and Sodexo was contracted separately to deliver infrastructure and facilities maintenance services at Acacia. Under the new agreement both services are combined and delivered by Serco. The waste water treatment plant at Acacia continues to be managed by Factor UTB under a separate agreement.

Other key changes to the agreement include:

- new performance measures for prisoner health and facilities maintenance have been added
- the required level of performance to achieve performance-based payments has increased across all performance measures
- the number of specified events that result in payment penalties (abatement) and the abatement amounts were increased, and abatements now also apply if there are multiple instances of a specified event with increased abatement amounts for multiple occurrence
- initiatives to improve Aboriginal workforce participation and cultural awareness training for all staff
- initiatives to improve culturally appropriate support, rehabilitation, accommodation and health services for Aboriginal prisoners
- delivery of criminogenic programs for prisoners increased by 43 per cent from 4,200 to 6,000 hours per year
- an option for Serco to deliver initial IMPs for every term of the agreement
- Serco to provide and use an approved secure vehicle for prisoner escorts outside the prison.

The transition was well managed

The transition from the old to the new agreement was well managed. Serco advised that with the benefit of hindsight, they underestimated the challenge of transitioning from an old to a new contract while continuing to operate the prison. This resulted in some delays in meeting all the transition obligations. The State has closely monitored Serco's progress in transition and there were a small number of transition obligations that remained outstanding.

THE NEW CONTRACT

In approving commencement, the State allowed deferment of around nine of the 20 obligations on initial start of operations and have been working with Serco since then to achieve full compliance. By November 2021, 17 of the 20 transition obligations had been met. The three outstanding obligations were:

- 'email a prisoner'
- completion of a number of enabling works under Schedule 11 of the agreement
- completion of outstanding items in the transition plan:
 - provision of an approved Escort Vehicle for transport of prisoners
 - approved Aboriginal Prisoners Strategy.

Contract management and oversight remained unchanged

The governance arrangements for the new agreement remained unchanged. As under the previous agreement, they were well established and operating effectively. The Department had a Contract Management Plan in place, and roles and responsibilities under the contract were clearly defined.

The Department's Private Prison Contract Management team was overseeing the day-to-day management of the agreement. A monthly contract management meeting was being held between Department and Serco representatives to report on and manage all issues related to service delivery performance and compliance.

The agreement also established a Joint Management Board that should meet quarterly.

We saw evidence from meeting minutes and correspondence that contract management and Board meetings were held regularly, outcomes and required actions were documented and followed up promptly.

Both the Department and Serco advised they had a good working relationship.

Framework for facility management and maintenance services was more rigorous

The new agreement established a more rigorous framework for asset and facilities management and maintenance. However, Serco had, at the time of our inspection, not yet met any maintenance performance benchmarks.

Under the new agreement, facility management and maintenance services were being managed by Serco. There were also three new performance measures for maintenance response and prevention, and Serco introduced a Computerised Maintenance Management System (CMMS). The Department could access the system at any time, giving it much greater visibility of the status of facilities and asset maintenance at Acacia than previously. However, at the time of the inspection Serco was yet to achieve performance benchmarks for any of the facilities maintenance performance measures and the Department was not satisfied with the accuracy of performance reporting.

Serco's CMMS allowed contractors to log job status in real time. The Department advised that Serco's monthly reports often overstated completion of jobs because contractors could incorrectly log a job as complete when they were still awaiting parts. Serco needed to strengthen quality control around CMMS use and reporting.

THE NEW CONTRACT

The new agreement required more rigorous planning and management of the facilities than was previously in place. The agreement required Serco and the State Government to agree to the Baseline Asset Register for the prison prior to commencement of operations. This then formed the basis for ongoing assessment of the condition of assets and facilities in the prison. In addition, Serco was required to develop and have approved by the Department, Maintenance Services and Soft Facility Management Services Plans prior to commencement of operations. The plans were to be renewed and approved before the start of each new financial year. Finally, after the 2021-2022 operational year Serco must submit and have approved an Asset Management Plan.

Good performance and compliance management framework in place

There was a good performance and compliance management framework in place for the contract. Serco was generally performing well, with some areas for improvement as the contract transition settled.

There were 18 performance measures under the new agreement, including two new performance measures relating to health and three relating to maintenance. The level of performance required to receive performance linked payments also increased.

At the time of the inspection, there had been one abatement under the new contract and one Performance Improvement Notice (PIN) issued, both in September 2021. The abatement was for unlawful detention of a prisoner, and the PIN related to evidence handling procedures, and management and accountability of security equipment.

There were seven Specified Events under the new agreement that attracted financial abatements from the contract fee, including two new Specified Events of unlawful detention and unlawful release of a prisoner. The financial abatements for 'first instance' Specified Events were increased across the board and new financial abatements were added for 'second instance within 12 months' Specified Events (See Appendix 1). Reporting for June 2021 shows Serco failed to meet performance benchmarks for five of the 18 performance measures and partially failed one of the 18.

The Department's Operational Compliance team had two managers and eight monitoring staff (monitors). Under normal circumstances it would have one monitor at Acacia two days a week. However, since the beginning of November 2021 there have been no monitors on site. The monitors were diverted to tasks relating to COVID-19 preparedness and response across the prison estate.

Compliance summaries were regularly reported to the contract manager, and to the contract management group, and the Joint Board at each meeting. The focus of the Operational Compliance team was compliance with legislation, prison policies, procedures and guidelines. However, the Department advised the team was planning on moving towards a more outcome focused compliance model that aligned with the strategic objectives of the Department.

Appendix 1

ABATEMENTS

First instance

The Abatement Amount for each Specified Event is as follows.

- (i) An Escape: \$250,000 (original 2006 contract \$100,000)
- (ii) A Loss of Control: \$250,000 (original 2006 contract \$100,000)
- (iii) A death in custody other than from natural causes: \$250,000 (original 2006 contract \$100,000)
- (iv) Unlawful release of a Prisoner: \$25,000 (not in original 2006 contract)
- (v) Unlawful detention of a Prisoner (when a Prisoner should not be detained but, due to the wrongful act or omission of the Contractor, is): \$10,000 per event and first day of unlawful detention plus \$1,000 for every subsequent day of unlawful detention (not in original 2006 contract)
- (vi) a breach of the Contractor's Obligations to report or provide information in accordance with this Agreement, or where the Contractor provides a report or information to the State which is misleading or inaccurate, including by omission: \$40,000 (original 2006 contract \$20,000)
- (vii) a failure to comply with a Performance Improvement Notice on the first occurrence:
 - \$40,000 (original 2006 contract \$20,000)

Second instance within 12 months (not in original 2006 contract)

- (i) An Escape: \$375,000
- (ii) A Loss of Control: \$375,000
- (iii) A death in custody other than from natural causes: \$375,000
- (iv) Unlawful release of a Prisoner: \$37,500
- (v) Unlawful detention of a Prisoner (when a Prisoner should not be detained but, due to the wrongful act or omission of the Contractor, is): \$15,000 per event and first day of unlawful detention plus \$1,500 for every subsequent day of unlawful detention
- (vi) a breach of the Contractor's Obligations to report or provide information, or the provision of a report or information which is misleading or inaccurate, including by omission:
 - \$60,000
- (vii) a failure to comply with a Performance Improvement Notice: \$60,000

Appendix 2

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Appendix 3

ABBREVIATIONS

ABE	Adult Basic Education
ACPC	Anti-Corruption Prevention Committee
ALO	Aboriginal Liaison Officer
AOD	Alcohol and Other Drugs
ARMS	At Risk Management System
ASO	Acacia Standing Order
AVS	Aboriginal Visitors Scheme
BBV	Blood Borne Virus
CCC	Corruption and Crime Commission
CCTV	Closed Circuit Television
CCU	Crisis Care Unit
CMMS	Computerised Maintenance Management System
CMS	Custodial Management System
CN	Clinical Nurse
COPP	Commissioners Operational Policies and Procedures
C-POP	Community Program for Opioid Pharmacotherapy
DU	Detention Unit
EcHO	Electronic Health Online
FDV	Family and Domestic Violence
FTE	Full Time Equivalent
GP	General Practitioner
HEAL	Health, Education and Advancement for Lifers
ICF	Incident Control Facility
ICT	Information Communication Technology
IMP	Individual Management Plan
KPI	Key Performance Indicator
LLO	Lifers' Liaison Officer
MA	Medical Assistant
MDC	Multi-Disciplinary Committee
NP	Nurse Practitioner

ABBREVIATIONS

NUM	Nurse Unit Manager
OICS	Office of the Inspector of Custodial Services
PAST	Prison Addiction Services Team
PCH	Perth Children’s Hospital
PIN	Performance Improvement Notice
PIP	Parole In-Reach Program
PRAG	Prisoner Risk Assessment Group
PSO	Prison Support Officer
PSOLIS	Psychiatric Services On-Line Information System
PSW	Peer Support Worker
PWS	Psychological Wellbeing Services
RN	Registered Nurse
RSN	Real Support Network
SAMS	Support and Monitoring System
SMT	Senior Management team
TOMS	Total Offender Management System
VJ	Visiting Justice
VOTP	Violent Offender Treatment Program
YAC	Young Adult Community
YASW	Young Adult Support Worker

Appendix 4

RESPONSE TO RECOMMENDATIONS BY ACACIA

Recommendations							
Rec. No.	Topic	Section	Page	Recommendation	Basis of Recommendation	Serco Response	Proposed Completion Date
1	Governance	2.5: Human Resources	5 / 67	Review staffing levels and implement recommended changes to ensure there are adequate staff numbers for the safe operation of the prison.	Throughout the inspection we heard concerns from most staff groups about low staffing levels. The frequency and consistency of these was enough to indicate that a problem existed. Cross deployment of staff from their rostered areas was a frequent complaint from custodial staff. We were told that this was the policy at Acacia to make sure the prison remained open with as much routine activity going ahead as possible. We support this position, providing that the safety of staff and prisoners is not compromised. We were also given examples of when the daily roster for custodial staff fell short of the allocated numbers despite staff being called in on overtime. With around 105 staff required for the day shift, there were two examples given to us where there were only 68 staff at work on one day and 89 staff on the other. On both occasions staff on overtime had been called in but not all the vacancies could be filled. We were also told of significant shortages on night shifts. In one example given, with staff booking off sick, or undertaking required hospital sits, the number of staff in the prison had been as low as four officers. This presents an unacceptable risk to the safety of staff and prisoners. Acacia should ensure that there are adequate staff numbers available to cover overtime absences.	Disagree Acacia Prison staffing levels are maintained in accordance with the requirements set out in the 2020 Acacia Prison Services Agreement. Acacia management's aim is to fill all posts as per roster. We note at time of writing that an ITC was in training and a further ITC in recruitment. Since this report these two courses have graduated and Serco is recruiting a further course to commence in September 2022.	31-Jan-23
2	Early Days in Custody	3.3: Property	8 / 67	Review physical storage capacity and practice and implement recommended changes to safely and securely store prisoner property while eliminating work health and safety risks for staff.	Acacia's property store was part of the prison's original build, which became operational in 2007. It was originally designed to accommodate property for 750 prisoners (OICS, 2003). However, successive expansions have increased the prison's population to around 1,500, double what the property store was designed for. The Acacia property store is located within the reception building and there are administration buildings and the medical centre on either side. Therefore, its footprint is restricted, allowing little to no room for expansion. Extra shelving and a storage racks. However, the store is so full of property that the WVA staff could no longer safely manoeuvre among the racks. Property boxes and other containers on the floor made for cramped conditions, providing significant trip and fall hazards. We have raised concerns as far back as 2011 about the health and safety risks to those staff working in Acacia's property store (OICS, 2011). Like many prisons in the state, Acacia's population growth has not been met by a corresponding increase in support infrastructure. Sea containers offer a short-term solution, but the storage of such significant amounts of prisoner property requires a long-term, multi-faceted approach. Consideration needs to be given to both physical storage methods and a review of property practices.	Partially Agree. It is requested that the State addresses this matter with its other facilities. Acacia Prison complies with the COPP - however, despite requests to other facilities to assist with this matter the site continues to receive prisoners with excess property from other facilities. We are currently exploring the possibility of additional capacity which further exacerbates the matter. Acacia Prison will seek to work with the State toward developing a solution to this ongoing issue.	TBC
3	Duty of Care	4.2: Protection Prisoners	15 / 67	The Department should exempt Serco from their requirement to complete fortnightly reviews of protection alerts.	The Department's contract with Serco still requires them to complete fortnightly reviews of protection alerts. Under COPP 4.1 to 4.3, the contract with Serco requires them to complete fortnightly reviews of protection alerts. (DOJ, 2021) The switch to six monthly reviews reflects the Department's understanding that fortnightly reviews are difficult to achieve with the current protection population and often lack the detail required for them to have any effective meaning. However, to comply with their contractual requirements, Serco intends on completing both fortnightly and six-monthly reviews. The latter will comprise of more detailed risk-based assessments using the MDC, and less detailed reviews will occur fortnightly by custodial officers. This contractual requirement defeats the intent of the COPP and is an ineffective use of staff time. Furthermore, this is inconsistent with the Department's expectations in protection units in Hakea and Casuarina.	Responses required from the State. Under the COPP Management Meeting Agenda for meeting of 4 August 2022	TBC
4	Duty of Care	4.2: Protection Prisoners	16 / 67	Acacia should ensure that there are Peer Support Workers in every block throughout the prison.	A lack of resident peer support workers in India Block may also affect the ARMS process. At Acacia, the peer support workers are not present in every block. Peer support workers are not present in India Block. Peer support workers are used to assess that prisoner's emotional state. Pre-existing relationships may make such conversations easier. Just prior to our inspection, interviews were conducted with several India Block prisoners as potential candidates to become peer support workers. However, a review into the peer support program had recommended that Juliet and India Blocks should only have four peer support workers in total. As they were already at that quota, they were unable to employ any of the interviewed candidates. In respect of the process, Peer Support workers in both protection blocks should be maintained. Peer Support practices and numbers should be reviewed to allow for Peer Support workers in not just India Block but all blocks throughout the prison.	Disagree Acacia Prison Peer Support Workers have access to all residential areas and is not a requirement for Peer Support Workers to only provide assistance in the residential area within which they reside. The focus should be, and is, on identifying prisoners with the correct aptitude, rather than appointing prisoners to this role for the sake of meeting quotas. Essentially, the most appropriate and effective PSW's are the prisoners who make their way into self-care etc.	Completed
5	Duty of Care	4.5: Bullying and Violence Reduction	21 / 67	Acacia should: • Review the existing policy to manage perpetrators and victims of bullying and standover to ensure that it meets the requirements contained in COPP 10.6 Anti Bullying • Implement the revised policy and regularly review its effectiveness to ensure the policy requirements are being met.	On paper, Acacia had a policy to manage perpetrators and victims of bullying and standover. But we could not find evidence that items such as the offender or victim registers were being used. Therefore, prisoners engaged in bullying and standover may not be monitored or aided to alter their behaviours. As mentioned above (see 4.2), the violence reduction and anti-bullying programs were not currently operating at Acacia.	Partially Agree. Acacia Prison agrees it was not fully compliant with the requirements as set out in COPP 10.6. However, it suggested that the TOMS alert function very effectively operates as a register of offenders and victims. Acacia Prison has commenced a review into the organisational structure for specialist accommodation and functions. The structure includes a strategy which will be allocated to the Safer Custody portfolio. It is expected that the outcomes from this will improve Acacia Prison's alignment to COPP 10.6.	30-Sep-22

RESPONSE TO RECOMMENDATIONS BY ACACIA

6	Daily Life	6.3: Family and Community Contact	28 / 67	Recommend the internal visits creche service for visiting children.	Acacia has two creches, one external to the prison in the Visits Support Centre, and another within the internal visits centre. However, to the pleasure of prisoners and staff alike, the internal creche was no longer operating. Two childcare workers from Mooritch Guroonga Association supervise the external creche which, following COVID-19 closures, had reopened a few months prior to our visit. But only seven children had accessed the service in that time. Staff advised they had little to do. We were told the external creche was only used in exceptional circumstances, such as a child's name being left off the visits list, or an order being in place restricting the child from seeing a prisoner. We were informed most people wanted their children to attend the visit, not sit outside the prison in child care.	Disagree. This service was discontinued in line with instructions received from the State's COVID Taskforce and will be reinstated now that restrictions have eased.	30 Sep 2022 (subject to covid restrictions)
7	Daily Life	6.8: Clothing and Bedding	33 / 67	Staff should conduct regular health and hygiene checks to ensure there is no action any health and hygiene issues including replacement, repair or cleaning of mattresses and pillows.	We found that prisoners were receiving the bedding items they were entitled to. However, the inspection of mattresses was not being conducted as often as it should be. We were told this was to cover the small caused by age, over-use and lack of regular cleaning.	Agree. Prison acknowledges that regular health and hygiene checks did not receive as much attention as expected. This is primarily attributable to COVID-19 and the impact on the daily regime brought about by isolation requirements applicable to both prisoners and staff. Toward addressing this issue, a Back-to-Basics program has been developed and launched. The focus of this program is on maintaining fundamental health and hygiene practices.	Completed
8	Health and Support	7.4: Peer Support Workers and PRAG	46 / 67	The prison should review the appropriateness of the role of the PSW's within the PRAG process and implement recommended changes.	We were concerned to hear of a practice involving PSW's being asked to see prisoners on ARMS or SAMS and then write up notes for PRAG. These notes were recorded in books which were then passed on to administrative PSW's for unsupervised entry on a computer. These notes are then read out during PRAG. We also heard notebooks from protection PSW's are handed to staff to be given to the administrative PSW's, and on occasion these had been misplaced. We were told that the rationale for this was that at-risk prisoners may be more open to a friendly face. As noted above most PSW's reside in two units, so that argument has an obvious flaw. In most states-in-prison, this type of task rests with the PSW's in the units, not the administrative PSW's. It may be the case that this type of information is led to the PSO who may use that to support their own observations.	Disagree. The primary objective of the Peer Support Strategy is to allow for peer-to-peer support. It is well known that prisoners are more likely to communicate with fellow prisoners who provide greater understanding due to shared, lived experience. This provides for improved information gathering, compared to expecting information to be provided by a staff member, thereby representing an authoritative figure. Further, multiple inputs allow Acacia Prison to better manage prisoners considered at risk. Acacia Prison does not directly utilize reports made by Peer Support Workers; however, the information provided by Peer Support Workers is captured and communicated by the Peer Support Officers during Multi-Disciplinary Team PRAG meetings. Peer Support Workers are provided training and instruction on how to control their messaging to prisoners. We respect the role of Support Workers in training the State's prisoners, and we are committed to ensuring that all prisoners, despite the need to do so being included in the ARMS Manual.	Completed less Gatekeeper training
9	Health and Support	7.4: Peer Support Workers and PRAG	46 / 67	Acacia should ensure there are sufficient PSOs to support the representation of PSW's in each block and unit.	The PSO was responsible for ensuring that PSW's received adequate and appropriate training to fulfil their role. Yet only one PSW was available to support the PSW's. The PSO was also responsible for supporting PSW's in relation to their role, and to assist with any vicarious trauma or compassion burden they might be holding. But this had ceased.	Agree. At the time of the inspection, Acacia Prison employed one Peer Support Officer who was on leave at that time. Subsequently, Acacia Prison has employed a second Peer Support Officer. With respect to equitable representation of Peer Support Workers in residential areas, please refer Acacia Prison's response to Recommendation Number 4.	Completed
10	Security	8.1: Procedural Security	48 / 67	Ensure there is consistency in the management of prisoners and in operational practices of both shifts	Custodial staff rosters at Acacia operate on a two-shift basis; A Shift and B Shift. Contrasting management styles between the two shifts has been an issue at Acacia for many years. This inspection was no different with prisoners again complaining of differences in management styles between the two shifts. Prisoners also said that one shift was more engaging with prisoners than the other. Prisoners told us they just wanted consistency in staff responses and actions, so they know where they stand and how they are expected to behave.	Partially Agree. Both custodial shifts operate to the same processes and procedures, overseen by a consistent operational management team. Notwithstanding this, different staff can apply rules in different ways. The Back-to-Basics program (refer Recommendation Number 7) will assist toward addressing this discrepancy, as well as the ongoing efforts in this space. Acacia Prison will continue to ongoing efforts in this space.	Completed
11	Rehabilitation and Reparation	9.1: Release Preparation	52 / 67	Implement an effective screening process that leads to a proactive offer of assistance to all eligible prisoners.	The system relies on prisoners to initiate a request for help in preparing their parole or release plan, to attend a program, or to seek assistance or referral to a service provider. Many prisoners are motivated to do so, but others are less so. We encountered one Aboriginal man who told us he had done his own parole plan without talking to anyone and had not participated in any of these programs or services. He could not remember being approached by anyone offering him help. He anticipated he would get a positive parole decision, but this has since been denied. Parole denials are complex decisions, but this prisoner may have benefited from a coordinated approach by staff earlier in the process, even if it was to manage his expectations around the likelihood of parole success.	Partially Agree. All prisoners are involved in their case planning through the MAP or IMP and are pointed towards programs and education. Notwithstanding the significant RSN and Secro reintegration support available at Acacia, there is opportunity to clarify prompting prisoners for such support.	30-Sep-22

RESPONSE TO RECOMMENDATIONS BY ACACIA

12	Rehabilitation and Reparation	9.2. Education 53 / 67	Sarco actively seek and employ an Aboriginal education worker.	<p>Our 2019 inspection recommended appointment of an Aboriginal education worker (OCS, 2019) which was supported in our 2020 report. Positive developments have occurred in this area. The Aboriginal Education Facilitator has been appointed and the Aboriginal Education Facilitator does not attend the planning meetings where she has input in to strategy (delivery methodology, culturally responsive content, etc). She is also on the Aboriginal Services Committee.</p>	<p>Agree. Prison employ and Educator who is Aboriginal, but not an Aboriginal Educator. The latter requires specific qualifications and there is a desperate shortage of appropriately qualified people. Acacia Prison is continuing its efforts to recruit and appoint an Aboriginal Educator and is pursuing numerous avenues toward doing so.</p>	31-Dec-22
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Appendix 5

DEPARTMENT OF JUSTICE RESPONSE



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

Response to OICS Draft Report

2021 Inspection of Acacia Prison

August 2022

Version 1.0

DEPARTMENT OF JUSTICE RESPONSE

Response to OICS Draft Report
2021 Inspection of Acacia Prison

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DEPARTMENT OF JUSTICE RESPONSE

Response to OICS Draft Report
2021 Inspection of Acacia Prison

Response Overview

Introduction

On 20 July 2021, the Office of the Inspector of Custodial Services (OICS) announced its eighth inspection of Acacia Prison (Acacia), scheduled to occur from 10 to 19 November 2021.

As per usual process, the Department of Justice (the Department) facilitated a wide range of documentation and access to systems, policies, processes. Access to the facility, staff, prisoners and contractors were made available to OICS upon request for the purpose of the inspection.

On 24 June 2022, OICS provided the Department with the draft report on the inspection for review and comment. The draft report has highlighted key findings and made 12 recommendations. The Department has reviewed the draft report and provides further context, comments, and responses to the recommendations as below.

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

Review Comments

Acacia is a unique custodial facility being the only privately operated prison within the Western Australian prison estate. As the Inspector notes in his report, Serco were successful in their bid to continue operating and maintaining Acacia after a competitive tender process. The new Acacia Prison Services Agreement (the Agreement) commenced on 16 May 2021.

The new Agreement has seen several improvements made to contract provisions, including the combining of operational and facilities maintenance service requirements. This allows for more streamlined service delivery and aligning risks and responsibilities within Acacia. The Agreement also provides for increases in the number of offender programs, services to Aboriginal prisoners, expanded and strengthened performance measures, and addresses several weaknesses identified in the previous agreement.

The Department notes the positive findings made in the report in relation to the management of the Agreement by the Private Prison Contract Management (PPCM) branch and ongoing recognition of the excellent work and high performance of this team. The PPCM branch is well supported by the Operational Compliance branch, who conduct regular compliance testing at Acacia.

The majority of the recommendations in the report relate to the delivery of prisoner services for which Serco are responsible. The Department will oversee Serco's actioning of these recommendations or, where they are not accepted, will ensure Serco's service delivery meets or exceeds the Department's expectations as outlined in Department policy and/or the Agreement.

On review of the report, it is important to note the impact the COVID-19 pandemic has had on Acacia and the Department during the Inspection. This impact has been, and continues to be, significant for several reasons. The requirement for quarantine and isolation has affected staff numbers throughout the pandemic, which has resulted in challenges for Serco to staff Acacia at the intended levels.

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Furthermore, the requirement for prisoners to quarantine and isolate following the first outbreak of COVID-19 within the facility resulted in a decrease in out of cell hours for prisoners, and a decrease in constructive activity such as education and programs whilst measures were put in place to prevent the spread of infections.

While Serco and the Department have tried to minimise the impact COVID-19 has had on prisoners and their family and friends, certain services at Acacia have been affected by restrictions introduced based on WA Health advice, such as in-person visits and creche services. Services at the internal creche however will resume now that health restrictions have eased.

The health and safety of prisoners, their family, friends, and staff take priority. Serco and the Department will continue to be guided by WA Health advice and will work together to reinstate services when safe to do so.

The Department will continue to monitor and assess the performance of Serco in a continual effort to identify and make contract management and service delivery improvements where necessary.

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Response to Recommendations

1 Review staffing levels and implement recommended changes to ensure there are adequate staff numbers for the safe operation of the prison.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

Staffing requirements for custodial staff and shortfall thresholds at Acacia Prison are as per the Acacia Prison Services Agreement (the Agreement).

Serco's compliance with staffing levels and the delivery of contractual requirements under the Agreement are the subject of monthly reporting by Serco and review by the Department's Contract Management team to ensure staffing levels are in line with the Agreement.

The Contract Management team oversee Serco's delivery against the Operational Services Requirements of the Agreement in addition to overseeing compliance with the Minimum Staffing Requirements.

2 Review physical storage capacity and practice and implement recommended changes to safely and securely store prisoner property while eliminating work health and safety risks for staff.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

The Department will also ensure adherence to prisoner property procedures in other prisons through operational compliance checks and will assess if there are any other contributing factor or practices in relation to properties and storage capacity.

3 The Department should exempt Serco from their contractual requirement to complete fortnightly reviews of protection alerts.

Level of Acceptance: Supported in Principle
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The 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 on a six-monthly basis, as required by COPP 4.10.

As the requirement within the Agreement imposes a greater standard/higher requirement than the COPP, Serco is contractually required to deliver both the fortnightly and six-monthly reviews.

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This recommendation was raised by OICS as part of their Protection Prisoners Review (March 2022) which was not supported by the Department due to the contractual requirement.

Notwithstanding this, the Department notes Serco supports this recommendation and will commence discussions to determine whether or not the fortnightly reviews add value to the management of protection prisoners at Acacia.

4 Acacia should ensure that there are Peer Support Workers in every block throughout the prison.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

There is no contractual requirement under the Agreement to ensure Acacia have Peer Support Workers (PSW) residing in all accommodation blocks.

The Agreement only requires that PSW are available to each accommodation block, which is facilitated via Acacia's Operating Model which allows for PSW to access blocks other than their own residential block to carry out their duties.

5 Acacia should:

- **Review the existing policy to manage perpetrators and victims of bullying and standover to ensure that it meets the requirements contained in COPP 10.6 Anti Bullying**
- **Implement the revised policy and regularly review its effectiveness to ensure the policy requirements are being met.**

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

6 Recommence the internal visits creche service for visiting children.

Level of Acceptance: Noted
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The creche in the internal visits area was temporarily closed as a result of WA Health advice for the management of COVID-19. The operation of custodial infrastructure and services will continue to be guided by such advice.

DEPARTMENT OF JUSTICE RESPONSE

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7 Staff should conduct regular health and hygiene inspections of cells and record and action any health and hygiene issues including replacement, repair or cleaning of mattresses and pillows.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

8 The prison should review the appropriateness of the role of the PSW within the Prisoner Risk and Assessment Group (PRAG) process and implement recommended changes.

Level of Acceptance: Not Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

Serco's use of PSW within PRAG processes has been misinterpreted in the OICS report. While PSW involvement in PRAG processes require them to engage and record their interactions with other prisoners, these notes are only used as an additional source of information to supplement official notes provided to the PRAG Committee by the Prison Support Officer (PSO) to inform decision making.

The use of PSW in this manner is being formalised in Acacia's Peer Support Strategy which is currently subject to review. The new strategy will provide transparency in the duties of PSW in relation to PRAG processes.

9 Acacia should ensure there are sufficient PSOs to adequately supervise PSW and there is equitable representation of PSW in each block and unit.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

10 Ensure there is consistency in the management of prisoners and in operational practices of both shifts.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

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11 Implement an effective screening process that leads to a proactive offer of assistance to all eligible prisoners.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

12 Serco actively seek and employ an Aboriginal education worker.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

The Department will oversee Serco's actioning of this recommendation and provide support as required.

Appendix 6

INSPECTION DETAILS

INSPECTION TEAM

Eamon Ryan	Inspector of Custodial Services
Darian Ferguson	Deputy Inspector of Custodial Services
Natalie Gibson	Director Operations
Stephanie McFarlane	Principal Inspections and Research Officer
Jim Bryden	Inspections and Research Officer
Cliff Holdom	Inspections and Research Officer
Kieran Artelaris	Inspections and Research Officer
Aaron Hardwick	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer
Ryan Quinn	Review and Research Officer
Cherie O'Connor	Review and Research Officer
Janet Connor	Education and Training Consultant
Natalie Pyszora	Health and Mental Health Expert
Colin Campbell	External Contracts Consultant

KEY DATES

Inspection announced	20 July 2021
Start of on-site inspection	10 November 2021
Completion of on-site inspection	19 November 2021
Presentation of preliminary findings	7 and 8 December 2021
Draft report sent to Department of Justice	24 June 2022
Declaration of prepared report	3 November 2022



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



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

Level 5, Albert Facey House
469 Wellington Street
Perth, Western Australia 6000
Whadjuk Noongar Boodja
Telephone: +61 8 6551 4200

www.oics.wa.gov.au