



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

2022 INSPECTION OF BROOME
REGIONAL PRISON

149

JUNE 2023

*Independent oversight
that contributes to a more
accountable public sector*

The Office of the Inspector of Custodial Services acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of this country, and their continuing connection to land, waters, and community throughout Australia. We pay our respects to them and their cultures, and to Elders, be they past or present.

2022 Inspection of Broome Regional 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

June 2023

ISSN 1445-3134 (Print)
ISSN 2204-4140 (Electronic)

This report is available on the Office's website and will be made available, upon request, in alternate formats.



This document uses environmentally friendly paper, comprising 50% recycled & 50% totally chlorine free plantation pulp.

Contents

INSPECTOR'S OVERVIEW

Broome is not offering any meaningful rehabilitation for the majority of people sent there	iii
Executive summary	v
List of recommendations	x
Fact page	xi

1 INTRODUCTION	1
1.1 Background.....	1
1.2 Broome Inspection 2022.....	2
2 GOVERNANCE	4
2.1 Strategic Planning.....	4
2.2 Staffing.....	4
3 EARLY DAYS	8
3.1 Reception processes	8
3.2 Orientation.....	9
3.3 Remand prisoners.....	10
4 DUTY OF CARE	12
4.1 Prison design	12
4.2 Aboriginal prisoners	12
4.3 Prisoners at risk of self-harm	14
4.4 Safety in prison	16
4.5 Bullying and violence reduction	17
5 MANAGING BEHAVIOUR AND SECURITY	19
5.1 Encouraging positive behaviour	19
5.2 Use of force.....	20
5.3 Security infrastructure and staffing	20
5.4 Procedural security.....	21
5.5 Emergency management	21
5.6 Transport	22
6 DAILY LIFE.....	23
6.1 Prison routine.....	23
6.2 Living conditions.....	23
6.3 Contact with family and community.....	25
6.4 Recreation	27
6.5 Food and nutrition	28
6.6 Clothing and hygiene.....	30
6.7 Religious and spiritual support.....	30
6.8 Canteen and prisoner purchases	31

7	HEALTH AND SUPPORT	32
7.1	Primary health care	32
7.2	Mental health care	34
7.3	Addressing substance abuse	36
8	REHABILITATION AND REPARATION	37
8.1	Classification, sentence administration and case management	37
8.2	Programs	38
8.3	Education.....	38
8.4	Employment.....	39
8.5	Release preparation and support.....	41
8.6	Community relations	42
APPENDIX 1		
	Bibliography.....	43
APPENDIX 2		
	Acronyms.....	45
APPENDIX 3		
	Department of Justice response	47
APPENDIX 4		
	Inspection details.....	54

Inspector's Overview

BROOME IS NOT OFFERING ANY MEANINGFUL REHABILITATION FOR THE MAJORITY OF PEOPLE SENT THERE

In May 2019 the government announced it had set aside \$1.4M to undertake planning for a new prison in the Shire of Broome. Shortly after this announcement, in July 2019, we undertook our seventh inspection of Broome Regional Prison (Broome) and published Report 126 in March 2020.

The findings of that 2019 inspection were that the prison infrastructure was unsuitable, well past its useful life, and in need of replacement. Although we acknowledged some improvements, including a planned new kitchen and dining room, the overall conclusion was that services and supports for prisoners were lacking and there were few, if any, meaningful opportunities for education, programs or employment. Many prisoners told us in 2019 that they were bored and had little to occupy their time in prison.

Fast forward to 2022 and, as will be seen in this report, not much has changed. Most prisoners in Broome do not have meaningful activities to occupy their time. There are few employment and training opportunities, no criminogenic programs, no education, no structured recreation, and limited opportunities for community work in Broome. In addition, there is no Aboriginal Visitor Service attendance, no Prisoner Support Officer, only one peer support prisoner (although we understand that he is well regarded by his peers).

Somewhat surprisingly, the Department in its response to our draft report and recommendations 10 and 11, noted that there were no rooms available to run structured programs or education. Yet there was an education centre when we inspected in 2019, but since then it had been converted into office space for administration staff – presumably because no programs or education were being run.

On a recent visit to Broome, we heard that the prison had engaged local service providers to provide two voluntary courses covering family and domestic violence and also drug and alcohol addictions. This was a commendable local initiative and an indication of what may be possible until a new prison is completed. As we have said in Report 126, there are opportunities to work with local service providers to provide more rehabilitation and support services until the new prison is opened.

There were some positives, the new kitchen and dining rooms were appreciated by staff and prisoners – despite the leaks and other design flaws we heard about. The quality and standard of the food was rated highly by both staff and prisoners. There was positive feedback from prisoners about the health centre. And we saw a strong leadership team and a dedicated staffing group, who did their best despite regular shortages.

In 2019 we were optimistic in our outlook for the potential that a new prison offered and what could be achieved in the interim. But we are less so now. The rehabilitation opportunities that a new prison offers remain, but the planning process appears to be taking far too long to identify and gain approval for a new site. Four years after the announcement that planning would commence for a replacement prison, we understand that although a preferred site has been identified, it still requires all the necessary zoning

BROOME IS NOT OFFERING ANY MEANINGFUL REHABILITATION FOR THE MAJORITY OF PEOPLE SENT THERE

and other approvals. In February 2022 the then Minister for Corrective Services, the Hon Bill Johnston MLA, was reported as saying that construction would not commence until 2027/2028 (ABC Kimberley, 10 February 2022).

We fully appreciate the challenges involved in the site identification and approvals process, as well as the difficulties that will be faced building a prison in the Kimberley. But it appears that it will be well over 10 years from the first announcement until a new prison is likely to open. In the interim, hundreds of prisoners will spend that time in Broome doing very little in the way of meaningful rehabilitation. On so many levels this is a missed opportunity.

Overall, it is difficult not to be pessimistic in our assessment of the situation in Broome for at least the next five to eight years.

ACKNOWLEDGMENTS

We have two Independent Prison Visitors who are community volunteers appointed by the Minister for Corrective Services. They attend Broome on a regular basis providing an opportunity for the men and women placed there 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 Broome.

I acknowledge also the support and cooperation we received throughout the inspection from the Superintendent and staff at Broome and from key personnel in the Department. On a personal level I want to particularly acknowledge and thank Superintendent Sinclair for the invaluable assistance she provided to members of our inspection team when one of them tested positive to COVID-19 during the inspection and had to undertake a period of isolation in Broome.

The men and the few women living in Broome who took the time to speak with us and share their perspectives also deserve our acknowledgement and thanks.

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 Charlie Staples for his hard work in planning this inspection and as principal drafter of this report.

Eamon Ryan

Inspector of Custodial Services

26 June 2023

EXECUTIVE SUMMARY

INTRODUCTION

We first inspected Broome Prison in 2001. With 80 per cent of the population Aboriginal, the sub-standard services and conditions would not have been acceptable in a metropolitan prison where Aboriginal people were in the minority. Our 2019 inspection found despite some improvements, infrastructure was still unsuitable, and services and supports for prisoners were lacking.

In 2022 the Department of Justice (the Department) was actioning its policy of identifying Aboriginal prisoners and, where possible, providing custodial services for them 'in country'. Most Kimberley prisoners in the system had been brought north.

This inspection was formally announced early in 2022 and scheduled for mid-May, but the on-site component of our Broome inspection was cut short by the Coronavirus (COVID-19) pandemic. We lost three of the five days on site. Two team members returned to Broome in early June to catch up on missed meetings and follow up on preliminary findings.

GOVERNANCE

Since 2012 the future of the prison had been in doubt, which hindered effective strategic planning. In 2019 the then Minister announced \$1.4 million to begin planning for a new facility. In March 2022, after considering 29 options, the Department's preferred site was rejected by the Shire.

Broome had lacked stable leadership for much of the last two decades, but in 2022 management was strong, although not substantive. The prison was running below safe minimum-staffing levels. Officers were regularly redeployed away from designated positions. Our pre-inspection staff survey found work-related stress up and quality of working life down, compared to the previous inspection.

Staff were dissatisfied with all tiers of management, but that did not necessarily reflect poorly on Broome's senior management team. As well as managing the complex and evolving response to COVID-19, they were also driving compliance with departmental policies and developing new standing orders to localise the Department's Commissioner's Operating Policies and Procedures (COPPs). Most staff understood change was necessary, but it was not popular.

EARLY DAYS

The reception centre was a run-down open-plan space. Despite poor working conditions the reception processes were well entrenched, and the centre ran smoothly. Prisoners arriving during business hours should go straight to the health centre for an initial health assessment, but that could be delayed due to shortages of custodial staff.

There was no formal orientation system in place, and there was no dedicated orientation officer. Although orientation handbooks for male and female prisoners provided basic information, some men did not (or could not) read the handbooks. They relied on other prisoners or the Independent Visitor to help. Only 36 per cent of survey respondents said

EXECUTIVE SUMMARY

they received enough information about how the prison worked when they first arrived, and only half thought that staff gave enough help.

Broome's Reception and Release Standing Order recognised that remand prisoners often required extra supports. In other prisons, those extra supports are provided by a Transitional Manager (TM), a Prison Support Officer (PSO), and sometimes by the Aboriginal Visitor Scheme staff. Broome had none of those. Even legal support, important for the 48 per cent of remand prisoners, was minimal.

DUTY OF CARE

The antiquated design and degraded infrastructure at Broome failed to acknowledge cultural diversity or give Aboriginal prisoners the opportunity to follow traditional rules governing interaction. It was not an Aboriginal appropriate environment. Results for both staff and prisoner surveys suggested they felt less safe than on previous inspections.

Services for the majority Aboriginal prisoners were limited. At the time of our inspection, with the PSO position vacant, the single peer support prisoner was given limited supervision and direction. The absence of adequate support services for Aboriginal prisoners was inexcusable and created unacceptable risk.

Following our 2019 recommendation, in 2022 the Department stated that a Kimberley specific staff Aboriginal cultural awareness training package had been developed, and as at August 2020, 60 per cent of staff at Broome had received the online training. Despite that, both prisoner and staff surveys suggested gaps in cultural understanding. We questioned whether the content of the Kimberley cultural awareness training was relevant, and whether the mode of delivery was effective.

Processes to manage at-risk prisoners were good. The Prisoner Risk Assessment Group (PRAG) was the forum responsible. PRAG meetings were chaired by the Assistant Superintendent Offender Services and attended by unit managers, the Psychological Health Services (PHS) counsellor, and a nurse from the health centre. PRAG met as often as was required to ensure safe and appropriate placement and management of prisoners at risk.

In 2015 a prisoner had died by suicide in the Maximum-Security Section (MSS) shower block. In 2019, following coronial recommendations, the MSS ablutions facilities were refurbished, and ligature points were removed. We were concerned however that the ablutions facilities in the minimum-security area, with the same identifiable risks, were not renovated.

MANAGING BEHAVIOUR AND SECURITY

Opportunities to manage poor behaviour were limited. The prison had no punishment or segregation cells. With just two multi-purpose cells (MPCs) at reception the separation of problem prisoners was difficult. The third MPC in the female unit had been designated a COVID-19 isolation unit for male prisoners.

EXECUTIVE SUMMARY

Results from our prisoner survey to the question whether staff ‘treat prisoners with respect’ had risen from 58 per cent to 68 per cent, well above the state average of 44 per cent. There had only been two incidents of use of force in the two years before this inspection. But it was disappointing to observe few staff proactively engaging with prisoners.

We did find appropriate systems to manage feuding, but these were mainly informal, based on officers’ knowledge of prisoners and their community connections.

DAILY LIFE

Most prisoners responding to our survey did not think their time at Broome was spent in useful activity. Many men said they just stayed in their cell all day. The lack of programs, education, employment and active recreation were some of the worst things about Broome. Prisoners rated their quality of life at 4.42 out of 10, down from 6.23 in 2019.

Staff assessment of cell space was just 24 per cent acceptable, much worse than state average (54%). Prisoners described the MSS as ‘cramped and depressing’ and ‘the worst of the worst’. Forty-six per cent of prisoners surveyed said ablutions were poor. In 2019 it was 27 per cent. Showers in minimum-security were worn, dirty and littered with soap and tissues.

Prison infrastructure suffered during the wet season. We saw mould on the roof of the kitchenette in the earned privilege unit. Rain poured through office ceilings. Water pooled on desks and floors in what had been the education centre.

Despite the degraded infrastructure, prisoners living in minimum-security were positive. They appreciated the rudimentary air conditioning in cells, and the relaxed atmosphere of their unit compared to conditions in the MSS.

Historically, minimum-security prisoners at Broome had excellent access to visits in a garden environment, and the visits process was appropriately flexible. Last-minute visitors from remote communities could attend at short notice if they were in town. In 2022, the visits schedule was less flexible, one hour daily for remand prisoners, but sentenced prisoners had just two hours each week.

The only active recreation space at the prison was the basketball court, but it was only used by minimum-security male prisoners. One MSS prisoner complained that the lack of active recreation and time in the sun caused ‘pain in our bones’

The meals provided at Broome were good. External expert diet analysis, prisoner feedback and direct observation all suggested a healthy, varied diet was available. But cultural food was only available at special events. The prison should provide regular access to food options that are culturally appropriate for its Kimberley Aboriginal population.

Without an AVS presence and regular visits by Aboriginal Elders, the cultural and spiritual needs of the majority Aboriginal prisoner population were not addressed. Elders from

EXECUTIVE SUMMARY

Kimberley Aboriginal communities could be considered for employment as cultural in-reach experts at the old prison in the years before the new Broome prison opens.

HEALTH AND SUPPORT

The Broome medical centre operated as a nurse-driven health practice. It was staffed seven days a week during out of cell hours, with two nurses rostered on weekdays and one on weekends. The Nurse Manager had a stable and experienced team with all but 19 hours per fortnight of the allocated nursing positions filled.

A doctor contracted to Broome Aboriginal Medical Service came to the prison four mornings a week – a significant increase from one morning previously. Despite that, prisoners still waited four to five weeks to see a doctor. Only 50 per cent of respondents thought medical services at Broome were ‘good’, down from 88 per cent in 2019. Kimberley Aboriginal prisoners still have high health needs. They should have better access to the medical centre during their stay.

Despite infrastructure and staffing limitations, COVID-19 was managed well. As cases spiked across Kimberley communities, effective precautions and infection control measures to contain the virus were put in place.

Ventia was contracted to provide escort services to external health appointments but chronic short-staffing limited its capacity. That left Broome with two options. A prisoner’s appointment could be cancelled, or the prison could provide the escort, further depleting staff numbers.

Prisoners did not have adequate access to on-site mental health, alcohol and other drug services and supports. There had been no AOD specialist staff on site at the prison since 2015, and the designated comorbidity nurse position had been vacant for many years. At the time of the inspection, there were also no voluntary programs such as Alcohol Anonymous.

The only consistent on-site specialist mental health service was provided by the long-serving PHS specialist. She was highly experienced and committed but the focus of her role was addressing immediate self-harm risks and not broader mental health care.

REHABILITATION AND REPARATION

In 2019, the Department supported our recommendation that Broome provide a full suite of services, including therapeutic programs. Despite that, in 2022, Broome had been allocated no program resources. The Department reasoned that it was a remand prison with a transient population, so few would be on site long enough to complete a program. But in fact over half the prisoner population in Broome were sentenced, and some had been assessed as needing treatment programs to address addictions, violent offending and/or sexual offending.

Broome did not provide education services. There were no staff, no resources and no physical space to offer courses. In the prisoner survey, respondents made it very clear

EXECUTIVE SUMMARY

that lack of education was a concern. Staff agreed. None of the staff who responded to our survey thought education and training services were effective.

Most prisoners at Broome were denied a constructive day. At the time of the inspection, Broome had 51 prisoners on site, but just 11 had meaningful jobs at the kitchen, stores, laundry, or maintenance. All 23 prisoners who were not working – 45 per cent of the population - were on low Level 5 gratuities. With the new Broome prison years away, a more generous gratuity profile should be considered. Few prisoners went to freedom work-ready or with gratuity savings.

For Broome, Centacare Kimberley (CCK) was the lead agency contracted to provide re-entry, temporary accommodation services and transport home. CCK management told us that attracting and retaining staff had been difficult, which had limited their ability to engage with Kimberley prisoners. Also, despite it being a requirement under the contract, CCK had difficulty maintaining contact with prisoners after release.

Broome had lost connection with the community. In 2011, many prisoners at Broome were engaged in community work, with projects to maintain the grounds and gardens around the Broome Courthouse and renovate derelict public housing. That had given prisoners opportunities for rehabilitation, reparation, and real connections back with their community. But in 2022, only two prisoners were approved to work just outside the fence. The days of gardens maintenance at the court precinct were long gone.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

Explore solutions to the causes of current under-staffing at Broome and plan for the staff needs of the new prison.

RECOMMENDATION 2

Implement a thorough orientation process for new prisoners.

RECOMMENDATION 3

Ensure adequate presence of Prison Support Services at Broome.

RECOMMENDATION 4

Implement all Coroner's Court suicide-related recommendations in full.

RECOMMENDATION 5

Ensure staff compliance with Broome Standing Order 10.6.

RECOMMENDATION 6

Establish a Kimberley Aboriginal Elder working group to drive cultural in-reach at Broome.

RECOMMENDATION 7

All staff should comply with local policy regulating access to the medical centre.

RECOMMENDATION 8

Resource Broome adequately to better manage prisoners with mental health needs.

RECOMMENDATION 9

Resource Broome adequately to offer effective alcohol and other drug treatments.

RECOMMENDATION 10

The Department should give prisoners the opportunity to address their offending behaviour while in custody at Broome.

RECOMMENDATION 11

Provide basic adult education services at Broome.

RECOMMENDATION 12

Reinvigorate the section 95 program and build strong connections with the wider community.

Chapter 1

FACT PAGE



NAME OF FACILITY

Broome Regional Prison (Broome). Yawuru people are the Traditional Owners of the Broome site and surrounds.



LOCATION

The prison is in the administrative centre of Broome Township, 2,174 kilometres north of Perth. The work camp is close to the town of Wyndham, 1,000 kilometres north-east of Broome.



INSPECTION DATE

15 May – 2 June 2022

ROLE OF FACILITY

Broome manages remand and sentenced prisoners of all security ratings. The prison population is predominantly Aboriginal men from across the Kimberley region, but a small unit is usually set aside for female prisoners. Broome also manages the Wyndham Work Camp.

HISTORY

Broome is the oldest operating prison in Western Australia. Three accommodation blocks and administrative buildings were commissioned in 1945, clustered around the 'Bull Pen', a secure shed built in 1895. Seven inspections of Broome by the Office of the Inspector of Custodial Services (OICS) since 2001 have found it below standard.

The then-Government decided to close Broome in 2012, just prior to the opening of the new West Kimberley Regional Prison (WKRP) at Derby. Staff and services at Broome were reduced in preparation, and for a time it was managed by WKRP.

In 2015 it was announced that the Broome would remain open, and in 2016 it reverted to local management and took responsibility for the Wyndham Work Camp. In 2019, the current Government announced funding of \$1.4 million to plan for a new Broome Prison.

CAPACITY AND OCCUPANCY

Function	Cells	Original Design Capacity	Occupational Capacity in 2022	First night of Inspection
Female Precinct	3	9	6	2
Male Minimum	12	36	24	15
Male Minimum Enhanced	4	8	8	8
Male Maximum Security	7	21	28	27
Multi-Purpose	3	3	3	-
Total	29	77	69	52

Chapter 1

INTRODUCTION

1.1 BACKGROUND

Custody in the Kimberley

After the Wyndham Prison closed in 1993, Broome was the only prison in the vast Kimberley region.

In 2005 the OICS Directed Review of the Management of People in Custody was clear in its findings: the then Department of Corrective Services should develop a Kimberley custodial strategy. The East and West Kimberley both had equal service needs and each required full custodial and related services (OICS, 2005, p. 94). At about the same time, a Kimberley Aboriginal Reference Group, appointed by the Minister for Justice to consult with communities, delivered similar recommendations.

A year later the Strategic Services Division of the Department of Corrective Services recommended closing Broome and building two new prisons, one in the West Kimberley at Derby, and one in the East Kimberley at Wyndham or Kununurra (DCS, 2006, p. 7). Instead, the state government decided to keep Broome open and build the new WKRP at Derby.

A Kimberley Aboriginal Prison

OICS first inspected Broome in 2001. Eighty per cent of the population were Aboriginal. The inspection found that Broome was providing sub-standard services and conditions that would not be acceptable in a metropolitan prison where Aboriginal people were in the minority. With a design capacity of 66 and a population of 123, crowding was severe (OICS, 2001, p. 4).

In 2022 the Department of Justice (the Department) was actioning its policy of identifying Aboriginal prisoners and, where possible, providing custodial services for them 'in country'. Most Kimberley prisoners in the system had been brought north. With WKRP (capacity 231) as a buffer, Broome was better able to hold its population closer to design capacity, but surges of people held on remand frequently required that some prisoners be transferred south.

2019 Inspection: Key Findings

Our 2019 inspection found custodial services at Broome were caught between the reality of 65-year-old degraded infrastructure with diminished service provision, and the promise of a new Broome Prison at some time in the future (OICS, 2020a, pp. 2-3).

Remand prisoners (48% of the population) were confined to the maximum-security section (MSS), described as small, crowded, dirty and uncomfortable. They had limited employment and recreation options, and were given just a single appointment with the contracted re-entry service provider.

Because Broome had been (inaccurately in our view) designated a remand prison, no criminogenic programs were offered. That denied therapeutic rehabilitation opportunities to sentenced prisoners who comprised 60 per cent of the population at

INTRODUCTION

Broome and the Wyndham Work Camp. Although transferring south to complete mandated programs might help with parole applications, Kimberley prisoners often chose to stay on or near traditional country and forgo that opportunity.

Despite our 2017 formal recommendation that Broome implement a full service to meet the needs of Aboriginal prisoners (OICS, 2017a, p. 36), we found that staff support had been cut, and oversight of Aboriginal services was limited. The Prison Support Officer (PSO) position was only temporarily filled, and the Aboriginal Visitor Service (AVS) was only on site part-time. The monitoring of service provision by the prison Aboriginal Services Committee (ASC) was less detailed than we had seen elsewhere.

Despite those deficiencies, our pre-inspection surveys suggested that positive interaction between prisoners and staff had increased dramatically since 2017. Prisoner perception of 'safety' had risen from 75 per cent mostly safe to 92 per cent, and 'quality of life' had risen from 4.8 to 6.2 out of 10.

Back in 2001, some 50 male prisoners had been engaged outside the prison on nine community-based projects (OICS, 2001, p. 58). Suitably-assessed minimum-security men walked, cycled or were bussed to work sites. Beneficiaries of those projects spoke highly of the prison's engagement with the community. In 2019, it was disappointing to find just three men working outside the fence (OICS, 2020a, p. 22). We acknowledged the Wyndham Work Camp's competition for the dwindling supply of minimum-security men, down from 86 in 2001 to just 30 in 2019, but the value of dynamic community project work in Broome could not be overstated.

1.2 BROOME INSPECTION 2022

Methodology

Our 2022 inspection was formally announced in mid-January and scheduled for 15-19 May 2022.

In mid-April 2022, we conducted surveys of staff and prisoners, with wide-ranging questions about conditions and services. The staff survey was online, with a 53 per cent response rate. The prisoner survey was undertaken in-person, with a 58 per cent response. The results were used to direct the focus of our on-site activities and help us identify and target areas of potential concern.

We also met with the two contracted re-entry service providers, to better understand their interaction with prisoner clients, local prison managers and the Department's contract management team in Perth. Five staff from our office were scheduled to join the inspection.

COVID-19

The onsite component of our Broome inspection was significantly curtailed by the Coronavirus (COVID-19) pandemic. The Western Australian border, which had been closed since 24 March 2020, reopened on 3 March 2022. By mid-April, COVID-19 infections across the Kimberley were spiking.

INTRODUCTION

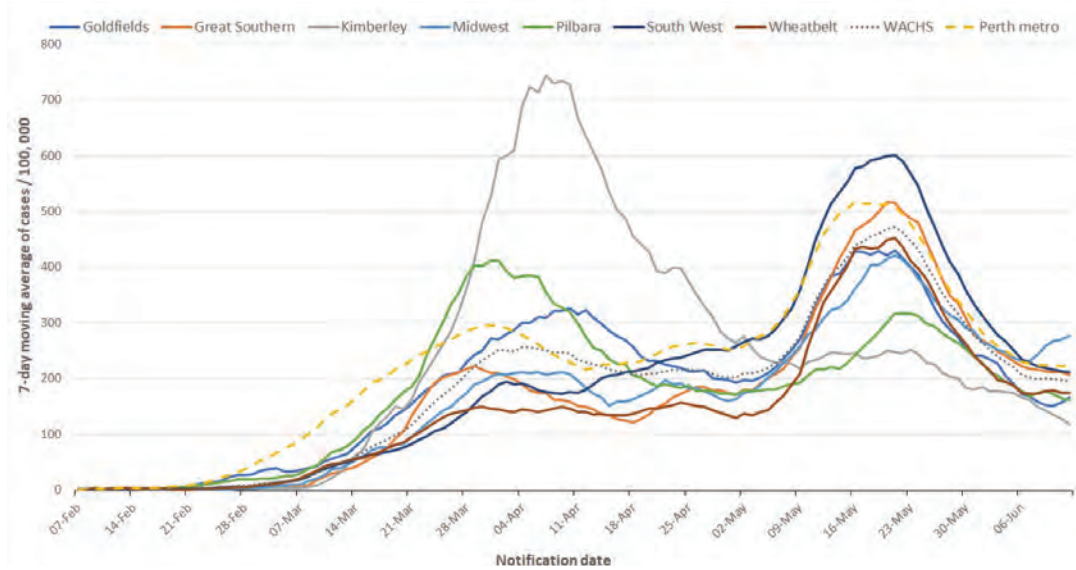


Figure 1.1 COVID-19 by public health region, February-June 2022 (Department of Health, 2022, p. 9)

On the first day of our inspection, 19 male prisoners went into COVID-19 isolation, and Broome had four custodial staff isolating or positive. Two members of our team also tested positive, one the week before and one during the inspection. As a consequence of the positive test, the inspection was cut short. The rest of the team flew back to Perth. We lost three of the five days scheduled on site.

Two team members returned to the Kimberley in early June 2022, spending two days in the prison to catch up on missed meetings and follow up on preliminary findings. By then, Broome was struggling with up to 11 staff members and 11 prisoners isolating or positive. The exit debrief was delivered to staff and prisoners on 8 July 2022.

Chapter 2

GOVERNANCE

2.1 STRATEGIC PLANNING

Uncertainty hindered effective strategic planning

Strategic planning for Broome was caught between aging infrastructure requiring ongoing maintenance and uncertain plans for a new facility. Consequently, its Strategic Business Plan was a generic single page, with limited detail.

Since 2012 the future of the prison had been in doubt. In August 2012, Minister Cowper announced the opening of the new WKRP prison (Cowper, 2012). Broome was to remain open for just three transitional years as an annex of WKRP. In 2015, Minister Francis reversed this, deciding to keep Broome open (Francis, 2015, pp. 29b-38a). In 2016 it was reinstated as a standalone prison and a Superintendent was appointed.

In 2019 Minister Logan announced \$1.4 million to begin planning for a new facility (Logan & Wyatt, 2019). It was to be built outside the Broome township, and the location would be negotiated with the Yawuru native title holders and community stakeholders.

In March 2022, after considering 29 sites, the Departments of Justice and Finance provided a submission to the Shire of Broome's Local Planning Scheme for a New Custodial Facility (Department of Finance, 2022; Shire of Broome, 2022, pp. 436-452). The site selected was in the Broome Road Industrial Park, on land owned by Nyamba Buru Yawuru Ltd, representing the Traditional Owners. The Shire rejected that submission, citing insufficient public consultation, and that resolution of land use conflicts would delay the completion of Broome Local Planning Scheme 7 (Shire of Broome, 2022, p. 113).

At the time of finalising this report the future of the new prison was still in doubt. Critical decisions had not been made. We found no detailed functional brief, no agreed site, and no funding in forward estimates beyond preliminary planning. Despite this lack of certainty, the new prison was constantly referenced as justification for not resourcing the old prison to improve conditions.

Delivery of prisons in regional Western Australia takes time. For comparison, funding for WKRP was announced in April 2007 (Quirk, 2007), and that prison opened in November 2012 (OICS, 2015, p. 2). Funding for the new Eastern Goldfields Regional Prison was announced in May 2009 (Porter, 2009), and it opened in August 2016 (OICS, 2017a, pp. 7-10). History suggests that the new Broome Prison is years away.

2.2 STAFFING

Management was strong, but not substantive, and working hard to fill the gaps

Broome has lacked stable leadership for much of the last two decades. We were optimistic last inspection that the then substantive Superintendent and the newly created management positions of Assistant Superintendent Offender Services (ASOS) and Business Manager would bring much needed stability (OICS, 2020a, p. 9). But six months before this inspection, the prison experienced further disruption.

GOVERNANCE

In November 2021, the Superintendent and Assistant Superintendent Operations (ASO) went on long term leave. The Acting Superintendent of WKRP covered the Superintendent position for two months before a longer term acting appointment was made in late December 2021. An Acting ASO position was covered by a transfer from Perth. By April 2022, the senior management team had settled into a routine, but none were substantive.

Although the Security Manager position was filled substantively in 2019, it fell vacant again in 2020. By the time our inspection commenced in May 2022, the Acting ASO and the Project Manager were sharing the Security Manager role and covering ASOS responsibilities when necessary. We heard that management also stepped in occasionally to fill operational roles, including working the night shift. That was commendable, but not sustainable.

Stable management in people-centred organisations frequently delivers good outcomes. Staff grow used to a style of management. Expectations and direction are clearly understood. In the prison context, that clarity helps define procedure at all levels.

Many staff we spoke to were concerned that the prison was running below safe minimum-staffing levels. Optimal custodial staffing for the day shift was three senior officers (SOs) and nine officers, and at night, one SO and four officers. Evidence showed there were often up to six staff absent, and on one day during our inspection, personal and COVID-related leave resulted in 11 vacancies.

Absences disrupt prison operations. Staff were regularly redeployed away from designated positions. One weekend, we were told the minimum-security yard office was not staffed, so men had no easy direct access to staff. We observed an officer managing the gatehouse alone. Under-staffing presented risks.

Staff worked longer days, were taken off the floor for hospital escorts, and like management, worked across multiple roles. Although up to six overtime shifts were available per day, staff needed time away from the prison. Overtime shifts often went unfilled, even when offered at double time.

The Government Regional Officer Housing (GROH) program offers housing to public sector workers, but availability in Broome was limited, and the private rental market was tight. Local housing shortages delayed recruitment. Although there were 263 staff waiting to transfer in and just 15 on the transfer-out list, accommodation was not available. We were told that positions went unfilled or were delayed because of the absence of suitable accommodation. Existing staff with GROH housing feared that owners might sell, given the heated real estate market.

Some of these pressures were reflected in our survey findings. Staff respondents rated the quality of working life in the prison at 4.63 out of 10. In 2019 it had been 6.61. Their level of work-related stress was rated at 7.17. Last cycle it was 5.22.

The Department has committed to keeping the existing prison open until a new facility is operational. Lack of accommodation is already a barrier to filling all positions. When the

GOVERNANCE

new prison is built near Broome, providing housing for a larger workforce will be difficult. One option could be for the Department to focus on local recruitment and training and consider financial incentives to attract and retain custodial staff.

Recommendation 1

Explore solutions to the causes of current under-staffing at Broome and plan for the staff needs of the new prison.

Staff were dissatisfied with all tiers of management

Results from our staff survey suggested that satisfaction with all levels of prison management was in decline. Eighty-four per cent of staff said support from head office was 'poor' and 68 per cent thought support from local management was 'poor'. Local line managers fared slightly better. Those results compared unfavourably with state averages and the results from our last inspection.

But this does not necessarily reflect poorly on Broome's senior management team when viewed in context. As well as managing the complex and evolving response to COVID-19, they were also driving compliance with departmental policies and developing new standing orders to localise the Department's Commissioner's Operating Policies and Procedures (COPPs). Most staff understood change was necessary, but at the same time, it was obviously not popular.

Many staff were unhappy with new human resources policies, believing their industrial entitlements were being reduced. They objected to restrictions on personal and purchased leave, and the cancellation of regional allowance payments when they were on leave. Some said that better communication with local management might improve the situation. But we also heard that the leadership team had been flexible in accommodating personal circumstances. Custodial staff were also supported to take on acting positions, and professional development was being encouraged.

Staff reported gaps in training and had limited faith in the grievance process

The training officer position had not been filled since the end of 2021. Although there was training expertise among staff, opportunities to redeploy them away from prison operations were limited. Our pre-inspection survey asked staff and custodial officers their opinion of training across a range of areas. Prison officers reported a significant decline in their assessment of the delivery of training in seven of the 14 areas covered.

It is important that all staff feel skilled to work safely and competently with a diverse range of prisoners. We were told that the prisoner profile at Broome had changed over recent years. Staff were frequently expected to manage prisoners who were substance affected, presented with mental health issues or were cognitively impaired, for example with Foetal Alcohol Spectrum Disorder (FASD). Prison staff felt they were not adequately trained to manage prisoners with mental health (71%) or drug issues (63%). Officers told us they were well trained in the use of restraints (67%) and chemical agents (63%), but not for

GOVERNANCE

managing a loss of control emergency event.

Our pre-inspection survey asked staff if they felt able to express workplace grievances. Twenty-seven per cent of respondents said they could, but only five per cent thought grievances could be resolved compared to 54 per cent who thought they could not. Staff comments revealed minimal faith in the integrity of the grievance and investigative process. They also revealed a view that historically, such processes were not always dealt with appropriately.

At the time of the inspection, Broome had neither a Grievance Officer nor a Principal Officer, both key conduits for complaints from the floor. We were also concerned that 38 per cent of staff surveyed said that staff-to-staff bullying happened often, much higher than the state average of nine per cent. An opportunity exists for leadership to consider how to refine communication and strengthen relationships, beyond using the Department's Staff Support processes.

Chapter 3

EARLY DAYS

3.1 RECEPTION PROCESSES

Reception centre infrastructure was poor, but processes were adequate

The reception centre was a run-down open-plan space with desks for the officers. Adjacent rooms provided areas for prisoner property and clothing storage. Both were small and cluttered. A prisoner worker was employed to assemble and distribute clothing packs to incoming prisoners.

New arrivals were strip searched and showered, but the ablutions facility was in a very poor state. The shower cubicles leaked, and the floor flooded. Rain water came through the ceiling and the walls were crumbling.

New prisoners were interviewed by custodial staff, but there was no privacy. We have criticised other prisons over the lack of confidentiality during reception intake interviews (OICS, 2020c, p. 10). Proximity to other staff or even prisoners can impact the level of prisoner disclosure and engagement.



Photo 1. The reception area lacked private interview space

Despite poor working conditions the reception processes were well entrenched, and the centre ran smoothly. It was staffed by a Reception SO and an Aboriginal Reception Vocational and Support Officer (VSO). The VSO worked an eight-hour day, focusing on running the reception centre and logging prisoner property. The SO worked a 12-hour shift and managed most of the actual receivals which tended to come in later in the day, and often after hours.

Although the staffing model was adequate, reception could get very busy. The SO could be required to process numerous prisoners arriving at the same time without help. Prisoners told us that the Reception Officer and the Reception VSO were very helpful.

EARLY DAYS

Initial health screening could be delayed due to custodial staffing shortages

Prisoners arriving during business hours should go straight to the health centre for an initial health assessment and this is good practice. But in reality, the initial health assessments could be delayed due to custodial staffing shortages across the site.

A custodial officer was assigned to the health centre every day. This ensured the safety of nurses and prisoners. Without an officer present, the health centre was closed. If the rostered officer was absent, or short staffing led to officer redeployment to another custodial position, those initial health screens were delayed. If reception staff picked up an urgent medical requirement, then nurses attend promptly, either in the health centre, or at an accommodation unit. But there was a risk issues could be missed.

3.2 ORIENTATION

There was no formal orientation system in place

There was no structured orientation system in place for new prisoners. At many prisons we find that a group of trained and responsible prisoners, often members of the peer support team, have a roster of orientation responsibilities that ensures new prisoners are thoroughly oriented to the site. At Broome, there was only one prisoner on the peer support team, and he had no orientation duties.

Broome also did not have a dedicated orientation officer. The responsibility for conducting orientation interviews and completing the orientation checklist moved with the daily roster. Although officers proactively completed the interview process, it fell short of a comprehensive orientation process provided for incoming prisoners that we see elsewhere.

Orientation handbooks for male and female prisoners had been compiled in 2021. They provided basic information: useful contacts; daily routines; prison rules and procedures. The female booklet opened with 'information on arriving at the prison', which is a useful summary of reception processes, staff support, unit routine, recreation and other activities.

Some officers suggested that, as Broome was a small prison and many prisoners had prior experience there, a formal orientation process was not required. That was not supported by the results of our pre-inspection prisoner survey. Only 36 per cent of respondents said they received enough information about how the prison worked when they first arrived, and only half thought that staff gave enough help. Prisoners told us that some men did not (or could not) read the orientation handbooks. They relied on other prisoners or the Independent Visitor to help. That was not an appropriate orientation to the prison.

Recommendation 2

Implement a thorough orientation process for new prisoners.

EARLY DAYS

3.3 REMAND PRISONERS

Some supports for people on remand, but key positions were vacant

When entering prison people can be confused, anxious or unpredictable. They might be withdrawing from substances. Those remanded in custody face the additional stress of uncertainty. Of the 51 prisoners at Broome during our inspection, 24 were on remand.

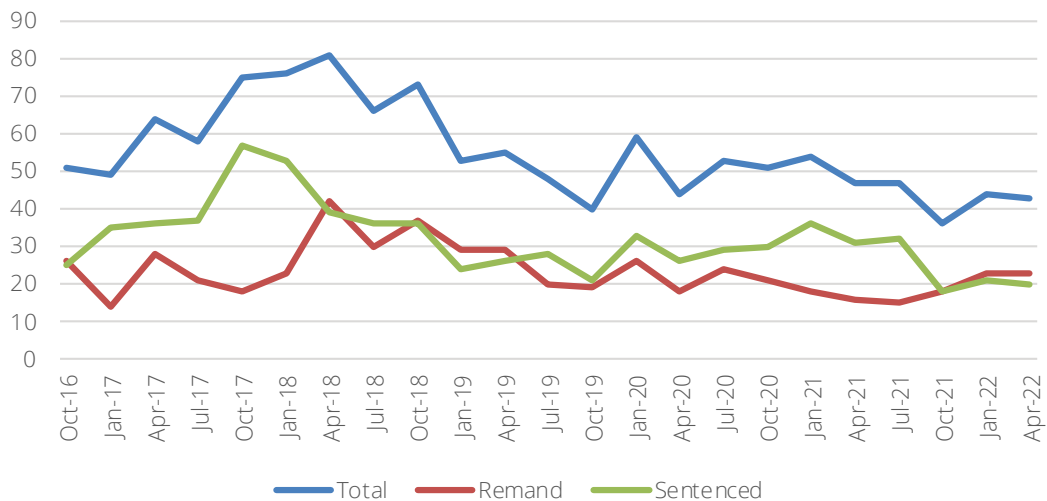


Figure 3.1 Broome prisoner population status 2017-2022

People on remand are assumed to be maximum-security prisoners until they have been security assessed. Men on remand at Broome were usually placed in the maximum-security section (MSS). Previously we have reported that the MSS infrastructure was not fit for purpose and that amenities were poor (OICS, 2020a, p. 3; OICS, 2017b, p. 7). In 2022, the situation had not changed. The MSS was poorly maintained, claustrophobic and frequently exceeded its 28-man capacity.

Normal procedure placed women on remand in the six-bed female precinct. As COVID-19 infections across the Kimberley increased in the Autumn of 2022, Broome management designated the female precinct as a COVID-19 isolation unit. Women, including those on remand, were then held in the multipurpose cells (MPCs) at reception, or transferred to WKRP.

Broome's Standing Order (BSO) 2.1 *Reception and Release* recognised that remand prisoners often required extra supports. They may have matters to attend to in the community, like organising child care arrangements, advising government departments of their situation, or managing financial or other personal matters.

In other prisons, those extra supports are provided by a Transitional Manager (TM), a PSO, and occasionally by the AVS. At Broome, the TM position had been transferred to WKRP, the PSO position was vacant, and AVS had not been on site since 2020. During our inspection, even the single peer support prisoner rarely visited the MSS. The

EARLY DAYS

responsibility for remand support at Broome fell to the ASO and ASOS, in addition to their regular duties.

Although not contracted to support men on remand, the re-entry service provider could meet with them once, and coordination with the TM at WKRP was limited. There was no specific information package for remand prisoners along the lines of the orientation booklet for new arrivals. Longer term prisoners suggested allowing older men from the minimum-security yard into the MSS to yarn with men on remand and offer support.

Our inspection standards reflect national and international protocols that require remand prisoners be managed separately from sentenced prisoners (OICS, 2020b, p. 10). As the MSS was the only accommodation option, separate management was not possible at Broome. Men on remand were not allocated a single cell and were also denied opportunities to address drug and alcohol issues, to engage in education, or to take voluntary programs.

Legal resources were minimal

Prisoners, especially those on remand should have access to legal resources to help with court matters. Broome is a receiving prison and the remand population is between 40 and 50 per cent. Our standards require the prison to provide up-to-date copies of the *Prisons Act 1981* (WA), prison rules, and other relevant policy documents covering the management, rights and entitlements of prisoners. A computer and printer should be available to prepare legal correspondence. We found no legal resources at Broome. Thirty-five per cent of staff who responded to our survey thought provision of legal resources was acceptable, compared to 54 per cent state wide.

Remand prisoners should be assisted to confidentially communicate with their legal representatives. Men told us that the time allowed for legal phone calls was too short, leaving some to represent themselves. Positively, a phone 'booth' dedicated to legal phone calls had been placed in the corner of the MSS day room, providing better access but limited confidentiality.

Chapter 4

DUTY OF CARE

4.1 PRISON DESIGN

The prison was not an 'Aboriginal appropriate environment'

Broome is the oldest operating prison in the state. The architectural design reflects no consideration of its majority Kimberley Aboriginal prisoner population. It contrasts starkly with WKRP, which has been previously described as having unique architecture with community-style share households, buildings appropriate to the environment, and demonstrating a balance of cultural relevance, safety, security, and purposeful activity (OICS, 2017c, p. iv) (OICS, 2021, p. 2)

The antiquated design and degraded infrastructure at Broome failed to acknowledge cultural diversity, provide a range of spaces, or give Aboriginal prisoners the opportunity to follow traditional rules governing interaction. It was not an Aboriginal appropriate environment.

We did note, however, that some operational procedures were culturally appropriate. Subject to security classification, staff encouraged newly-arrived Aboriginal prisoners to find accommodation in cell blocks close to extended family or members of home communities.

4.2 ABORIGINAL PRISONERS

Services for Aboriginal prisoners were limited

For the 12 months before this inspection, the Aboriginal prisoner population at Broome exceeded 85 per cent. In mid-May 2022, 22 prisoners were from the West Kimberley, 25 from East Kimberley, two from the Pilbara and one from the mid-west. Eighty-seven per cent were Aboriginal.

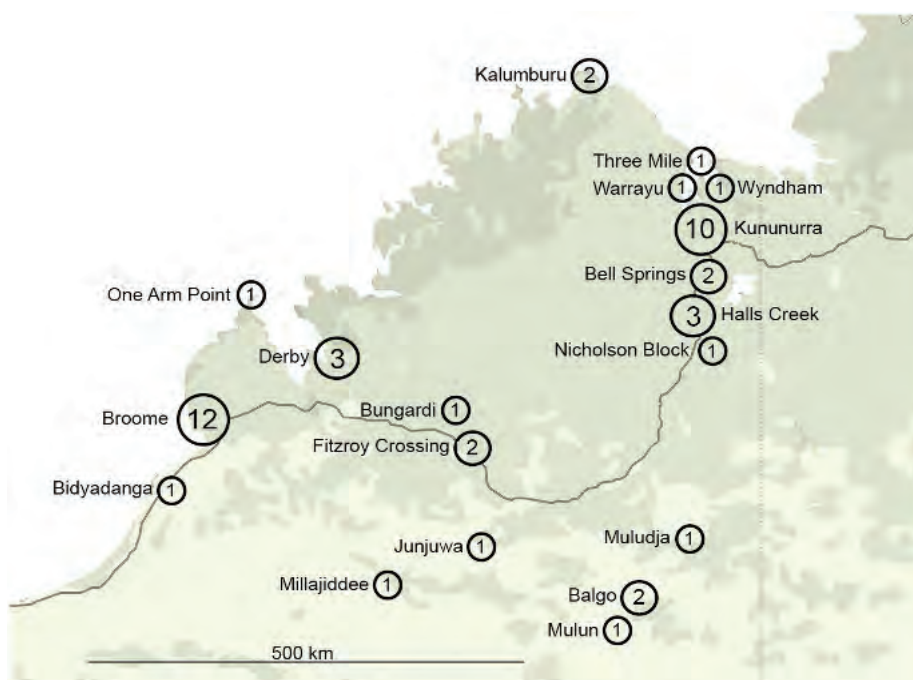


Figure 4.1 Origins of Kimberley prisoners at Broome

DUTY OF CARE

A key recommendation from our 2017 inspection was that Broome should implement a full support service to meet the needs of Aboriginal prisoners (OICS, 2017b, p. 36). At that time AVS services had ceased and the Kimberley PSO was based at WKRP

In 2019, AVS was only on site three days each week, and the WKRP PSO visited just one morning each week. We repeated our 2017 recommendation that Broome should provide a full support service (OICS, 2020a, p. 24).

The Department's Prison Support Services (PSS) manage PSOs, AVS visitors, and by extension, all peer support prisoner (PSP) teams. In other prisons, PSPs are on hand to help new arrivals. Trained PSP teams move through units and alert the PSO if fellow prisoners are at risk of self-harm. AVS provides a similar service. The PSO alerts local Psychological Health Services (PHS) if prisoners are at risk, compiles monthly PSP contact data, and reports back to PSS in Perth.

During 2021, systemic support for Aboriginal prisoners at Broome had gone backwards. Documents provided to us by the Department stated that PSS was not funded to provide a service at Broome, no positions had been allocated, no PSP meetings had been held, and therefore no PSP meeting minutes or staff/prisoner support data was available.

At the time of our inspection, with the PSO position vacant, the single PSP was provided with limited supervision and direction. Although respected by prisoners and staff, he was not adequately skilled to help minimum-security men with parole plans and had not completed the Gatekeeper training course. In the past, the PSP team had been bigger, and some members had better literacy. Further limiting his role, the PSP had restricted access to the MSS, where most remandees and new arrivals were held. Ongoing support for those prisoners should be guaranteed.

The absence of adequate support services for Aboriginal prisoners is inexcusable and creates unacceptable risk, even more so given it is predominantly an Aboriginal prison.

Recommendation 3

Ensure adequate presence of Prison Support Services at Broome.

The Department has directed prisons to establish Aboriginal Services Committees (ASCs), to meet quarterly and monitor Aboriginal access to and involvement in the range of services available. The Department stated that Broome had held no ASC meetings during 2021, which we see as a missed opportunity. But we were pleased to find that these meetings had re-commenced in April 2022.

Some Kimberley-specific cultural training for staff, but more was needed

It was appropriate that the Department had supported our 2019 recommendation to provide regular region-specific cultural awareness training at all prisons (OICS, 2020a, p. 10). That was particularly relevant at Broome. Significant cultural variation exists across the Kimberley, with five distinct language groups, and over 40 dialects (McGregor, 1988,

DUTY OF CARE

pp. 1-3). Salt-water traditions exist on the west and north coasts, and desert connections extend across the south-east.

In 2022, the Department stated that a Kimberley specific staff Aboriginal cultural awareness training package had been developed in late 2019, and as at August 2020, 60 per cent of staff at Broome had received the online training. Despite that, both prisoner and staff surveys suggested gaps in cultural understanding. As show in figures 4.2 and 4.3, both surveys indicated improvement in 2019, but a disappointing return to 2017 levels in 2022.

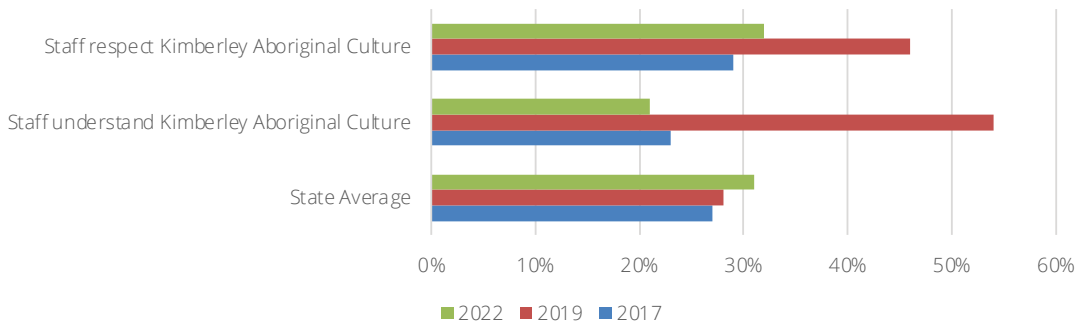


Figure 4.2 Prisoner survey response: Staff cultural awareness

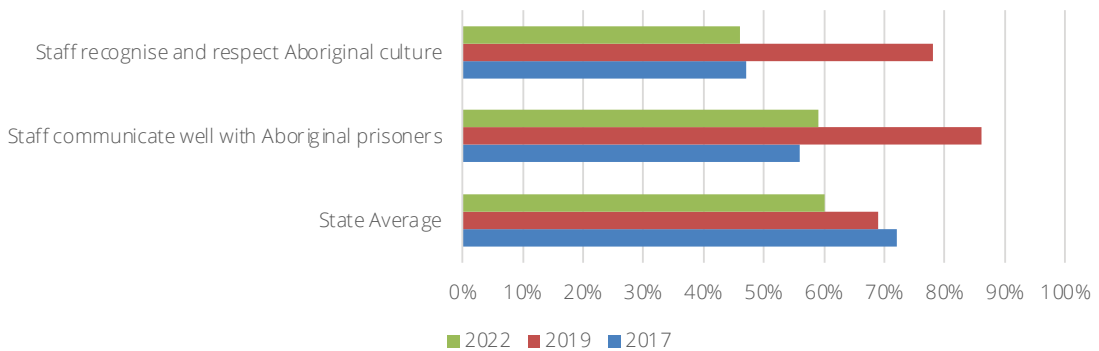


Figure 4.3 Staff survey response: Staff cultural awareness

4.3 PRISONERS AT RISK OF SELF-HARM

Processes to manage at-risk prisoners were good

At Broome, the identification and management of prisoners at risk of self-harm was well managed. The Prisoner Risk Assessment Group (PRAG) was the forum responsible. Staff from relevant areas of the prison attended PRAG meetings, chaired by the ASOS and attended by unit managers, the PHS counsellor, and a nurse from the health centre. PRAG met as often as was required to ensure safe and appropriate placement and management of prisoners at risk.

DUTY OF CARE

Prisoners found by the PRAG to be at risk of self-harm were placed on the At-risk Management System (ARMS). ARMS defined risk-monitoring status that could range from high-risk hourly checks to less frequent observation.

We attended one PRAG meeting during the inspection. We saw robust discussion about each prisoner, including why they were on ARMS and whether it was appropriate for their ARMS status to be reduced or even removed. All those present had the opportunity to present their point of view and for the most part those were considered.

No crisis-care cells, nor specialist mental health staff

Broome does not have dedicated crisis care cells where prisoners at risk could be safely accommodated. Those on high ARMS were managed in MPCs, used for a range of purposes including punishment and segregation. They were single, sparsely furnished cells, not an appropriate therapeutic environment for an at-risk prisoner or one needing extra support.

PRAG meetings took those factors into account when deciding on changes to an ARMS regime, but we heard that prisoner placement, particularly for those displaying difficult behaviours, was sometimes based more on operational needs than the prisoner's welfare. Managing at-risk prisoners in units might require more staff intervention but contact with friends and family was preferable to isolation in MPCs.

Broome had no mental health nurse on staff to participate in the PRAG meetings. This does not imply that nurses attending PRAG were not qualified to do so. On the contrary, their professional knowledge of the prisoners was fundamental to the group. Having that knowledge supplemented by the expertise of a qualified mental health nurse would add much value to the PRAG process.

Suicide risk identified by the Coroner not fixed across the site

In Western Australia suicide rates have been high in rural and remote areas. Rates of suicide for males have been particularly high in the Kimberley and Goldfields Health Zones at 2.0 and 1.5 times greater than the State rate respectively. This increase was in part attributable to an increase in Aboriginal suicides (Mental Health Commission, 2020, pp. 20-21; Productivity Commission, 2014, p. 12.14).

The stresses associated with reception into prison, and/or remand status can trigger self-harm ideation. Deaths in custody, particularly suicides, must be avoided. We were concerned that Broome had not specified first-night procedures to address suicide risk, and staff were not provided with a guide for the management of remand prisoners. Also, our pre-inspection survey suggested that staff had seen a reduction in the effectiveness of suicide prevention and other crisis management procedures since 2019.

In 2015 a prisoner had died by suicide in the MSS shower block. In 2019 a coronial inquest recommended effective closed-circuit television (CCTV) coverage and practical ligature minimisation (Vicker, 2019, p. 63). The Department had supported that recommendation.

DUTY OF CARE

The MSS ablutions facilities were refurbished, and ligature points were removed. We were concerned however, that the ablutions facilities in the minimum-security area, with the same identifiable risks, were not renovated (OICS, 2020a, p. 6). And that our recent Directed Review examining the implementation of coronial recommendations found that there was limited evidence of meaningful steps taken to improve CCTV capabilities at the prison (OICS, 2023, p. 21).

Recommendation 4

Implement all Coroner’s Court suicide-related recommendations in full.

Discussing deaths in custody, we became aware that, almost eight years after the event in 2015, some members of staff were still traumatised. Some staff believed that the Department had failed to support Broome staff and management at that time. Staff support had only commenced four days after the event, and in their experience had not been adequate. They said there had been no focus on ‘RUOK’, and no recognition of the long-term effect on staff and their families.

4.4 SAFETY IN PRISON

Prisoners and staff felt less safe

Results for both staff and prisoner surveys suggested they felt less safe than on previous inspections. The prisoner ‘safety’ score was sharply down. Staff perception of safety had also declined.

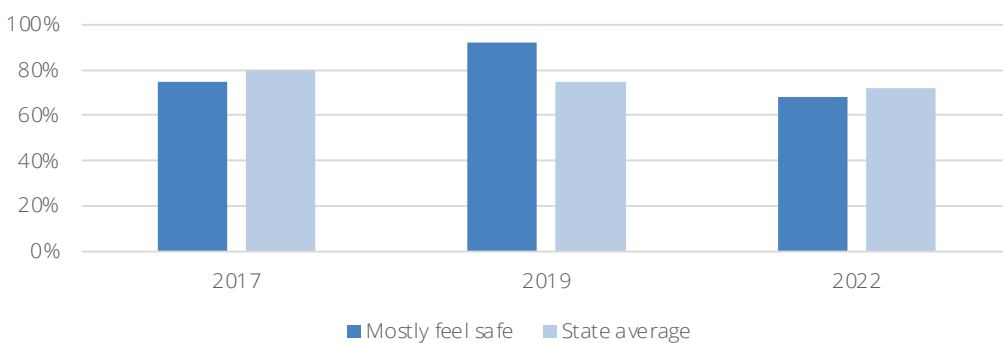


Figure 4.4 Prisoner survey response: Prisoner perception of safety

DUTY OF CARE

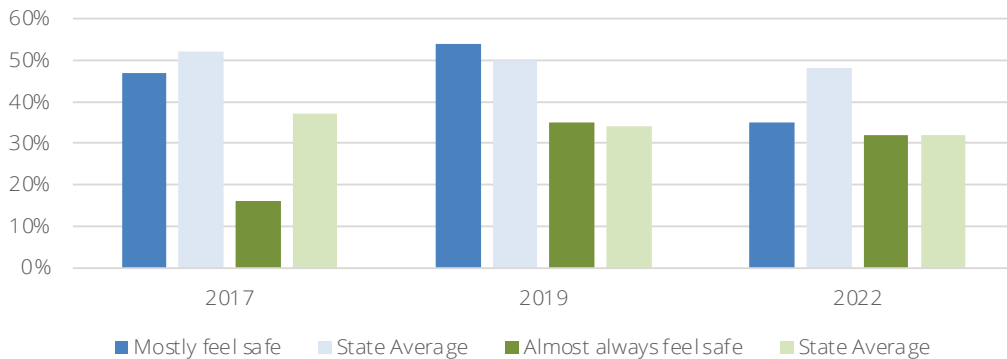


Figure 4.5 Staff survey response: Staff perception of safety

Broome local management suggested three possible causes for these results:

- the fear of contracting COVID-19 affected staff and prisoners' perception of safety and risk
- changes to the prison routine and the assessment process, driven by a more risk-averse position across the estate
- risk presented by extreme short-staffing, particularly at night and when hospital sits took rostered staff off-site.

More detailed analysis showed that prisoner behaviour was not threatening towards staff. Departmental data showed there had been very few Workplace Health and Safety (WHS) incidents involving prisoners at Broome. Of 69 incidents since January 2017, only eight involved prisoners in any way. It would be reasonable to expect that the few WHS incidents involving prisoners would have increased staff perception of safety, so there may be some validity in the cases put forward by management.

4.5 BULLYING AND VIOLENCE REDUCTION

There was an anti-bullying policy in place, but the practice was not trauma informed

Our standards require that prisoners feel safe from bullying and victimisation, and that an effective anti-bullying policy is in place (OICS, 2020b, p. 11). COPP 10.6 specified the Department's prisoner anti-bullying framework, and BSO 10.6 operationalised that COPP locally.

Although BSO 10.6 set out strategies to deal with bullying among prisoners, emphasised the need to support victims, and encouraged prosocial behaviour, it was not a living document for staff. Many preferred to rely on personal knowledge of prisoners to negotiate bullying or feuding behaviour. Others relied on prisoners to sort matters out among themselves. While those strategies may work at times, it is important that officers use the official anti-bullying policy. Strategies should follow the COPP and the BSO.

DUTY OF CARE

The impact of trauma on the everyday life of prisoners cannot be overstated. Prisoners are affected by traumatic experiences that have shaped their lives and influenced their offending behaviour. At Broome, bullying was not managed within a trauma-informed framework. Staff should be given opportunities to learn about appropriate trauma-informed strategies.

Recommendation 5

Ensure staff compliance with Broome Standing Order 10.6.

Chapter 5

MANAGING BEHAVIOUR AND SECURITY

5.1 ENCOURAGING POSITIVE BEHAVIOUR

Opportunities to encourage positive behaviour were limited but relations were respectful

Our standards require that the relationship between staff and prisoners is positive and respectful, rules and codes of conduct are clearly defined, pro-social behaviours and personal responsibility are encouraged, and feuding is managed appropriately (OICS, 2020b, p. 15).

Broome had a code of conduct for prisoners that required basic standards of behaviour. Prisoners were required to follow staff instructions and attend scheduled work commitments. There were appropriate systems to manage feuding, but they were mainly informal, based on officers' knowledge of prisoners and their community connections.

The flow of information from prisoners to officers was valuable. Some men would tell staff about 'young gangsters' but were wary of being identified as informants. We also heard that prisoners alerted staff to potential feuding and disputes occurring in the community, and how that might impact prisoners' behaviour. This was an effective use of social and cultural knowledge and connections.

But it was disappointing to observe few staff proactively engaging with prisoners. We do, however, concede that COVID-19 infection protocols and staffing shortages impacted heavily on the prison regime, limiting opportunities for meaningful interaction. That was as difficult for staff as it was for prisoners.

Results from our prisoner survey to the question whether staff 'treat prisoners with respect' had risen from 58 per cent to 68 per cent, well above the state average of 44 per cent.

The prison had no punishment or segregation cells

With just two MPCs at reception and a third in the female unit, the separation of problem prisoners was difficult. The female unit had been designated a COVID-19 isolation unit for male prisoners which further restricted the prison's capacity to segregate prisoners. A recent prisoner-on-prisoner assault in reception had been managed by transfer of the offender to Roebourne Regional Prison. Moving prisoners off country to manage behaviour is not ideal but ultimately necessary on occasions.

Confinement for serious matters under Sections 69 or 70 of the *Prisons Act 1981* (WA) was restricted. The only sanction available was loss of gratuities or confinement in a single MSS cell. Prisoners requiring protection from others were placed in one of the three MPCs. The focus was on moving those prisoners on to another facility, usually WKRP, as quickly as possible.

MANAGING BEHAVIOUR AND SECURITY

5.2 USE OF FORCE

Use of force was rarely required

The use of force is an option of last resort. De-escalation to achieve compliance, using non-physical techniques, is always the preferred approach. Failing that, a superintendent may authorise the use of such force as is necessary to ensure the good order and security of the prison.

Historically, Broome had complied with use-of-force regulations. The previous inspection found few instances of use of force (OICS, 2020a, p. 20). Broome prisoners were compliant and prepared to interact positively with custodial staff.

There had only been two incidents of use of force in the two years before this inspection. That was despite the increasing use of methamphetamine in the Kimberley community, and the prevalence of FASD which had the potential to increase unpredictable prisoner behaviour.

5.3 SECURITY INFRASTRUCTURE AND STAFFING

Lack of personnel and inadequate infrastructure compromised physical and procedural security

There was no dedicated security team at the prison. The only security position was a Security Manager, which had been vacant for some time. Security operations were covered by the ASO and the Project Officer in addition to their designated roles. A Security Manager had been substantively appointed, but GROH housing in Broome had not been available and the transfer had been delayed.

Staffing in the gatehouse was stretched. Duties included operating the phone switchboard, observing all movements through the sally port, and monitoring all cameras across the site. The frequent redeployment of gatehouse staff to other positions often left only one officer in the gatehouse. That compromised security across the site.



Photo 2. The prison perimeter was close to the public footpath

MANAGING BEHAVIOUR AND SECURITY

The long perimeter fence on the east side of the prison ran parallel with and close to the busy street footpath. Interaction between prisoners and members of the public was less controlled than at most prisons. Despite that, we were told that drug use in the prison had not been prevalent. Only seven prisoners had returned positive drug tests since 2019. COVID-19 lockdowns had reduced supply in the community.

Without a dedicated security team, intelligence-gathering and the sharing of security information was loosely structured. Broome was a small prison, and many prisoners were repeat offenders. Custodial officers relied on their knowledge of the prisoner cohort, and the tendency of prisoners to tell them about unusual developments in the units, or about tensions developing outside in the community.

5.4 PROCEDURAL SECURITY

Although cell allocation was culturally appropriate, it brought some risk

Appropriate allocation of shared cells is a crucial aspect of maintaining a safe environment. Officers in Broome were completing the cell sharing risk assessments, including checking for any alerts between prisoners and/or active restraining orders.

Otherwise, the practical pairing of prisoners in cells was more informal. When prisoners first arrived, reception staff asked them whether they had any friends or family in the prison and whether they wanted to share a cell with them. They were told that it could mean sleeping on a mattress on the floor.

Staff and management told us that in many instances, prisoners elected to be with family rather than share a cell with strangers. Often prisoners already at Broome would tell staff that someone they knew was arriving and might want to be with friends.

There were some risks with that informal approach. New prisoners might feel pressured into sharing with a relative. Because the system was informal, there was no official process for the prisoner to refuse to share with a relative or group.

5.5 EMERGENCY MANAGEMENT

Emergency Management plans were in place

Emergency management (EM) plans for Broome had been revised late in 2021. The EM Committee meetings were comprehensive and well-attended. EM staff training was on track for the year, but live exercises were still needed for evacuation, suicide and fire. Undertaking live fire exercises would involve the Department of Fire and Emergency Services (DFES), but in Broome fire staff were volunteers which limited their availability. Staff perception of EM training in fire/natural disaster and loss of control had fallen slightly.

The prison had memoranda of understanding with the Western Australia Police Force, St John Ambulance WA and DFES. The Broome ASO was scheduled to attend her first external EM Committee meeting in the week following our inspection, hosted by the Shire of Broome.

MANAGING BEHAVIOUR AND SECURITY

The ASO was also on the Incident Support Group, a COVID-related initiative of the Shires of Broome and Derby West Kimberley. That group had been reporting daily, but with Kimberley infections stabilising, meetings and reports had become less frequent.

5.6 TRANSPORT

Prisoner transport across the Kimberley presented risk, but incident reporting was thorough

Under contract Ventia provided prisoner transport between the prison and Broome Court, WKRP and the Wyndham Work Camp. If Ventia were adequately staffed and had 72-hours' notice, they could provide transport to Broome Hospital and cover a hospital sit.

Prisoner transport in the Kimberley was complex. Short-staffing at Ventia, remote travel and the harsh climate all increased risk to prisoners. When incidents or critical incidents occurred during the transport of people in custody, the Ventia Customer Safety Manager at Broome Court logged events on the company's electronic database, and they appeared on the departmental database associated with the prison that the person was being transported to. That provided transparent oversight of Ventia's compliance with its contractual obligations.

Chapter 6

DAILY LIFE

6.1 PRISON ROUTINE

Broome was an idle prison

The Department expects every prison to develop a schedule of activities to help prisoners use their time constructively. Activities should promote health, wellbeing and rehabilitation, and include opportunities for self-improvement, work, recreation and reparation. We strongly support prisoners having a structured day that actively involves them in meaningful activities.

Eighty-six per cent of prisoners responding to our survey did not think their time at Broome was spent in useful activity. Many men said they just stayed in their cell all day. The lack of programs, education, employment and active recreation were some of the worst things about Broome. Prisoners rated their quality of life at 4.42 out of 10, down from 6.23 in 2019, and worse than the state average of 5.17.

6.2 LIVING CONDITIONS

A poorly designed and long neglected prison

Broome was not fit for purpose. The prison was dilapidated, poorly maintained and posed significant risks to the health and safety of the prison community. Last inspection, we concluded that years of neglect and uncertainty had taken a toll on infrastructure and living conditions (OICS, 2020a, pp. 3-4). We understand why the Department has not invested heavily in upgrades. Plans for a new Broome Prison were announced in 2019, but in 2022, that new facility was still a long way off.



Photo 3. Minimum security cell block 2

DAILY LIFE

Staff opinion of the quality of Broome facilities had not changed since 2019, with 65 per cent rating it as 'poor', which was much worse than state average (30%). They described conditions as 'tired and filthy' and 'completely run down'. Staff amenities were also in a poor state of repair.

Staff assessment of cell space was just 24 per cent acceptable, again much worse than state average (54%). Prisoners described the MSS as 'cramped and depressing' and 'the worst of the worst'. We saw an open drain covered by a mat near a small TV in the eastern open area. That presented a trip hazard. A foul smell rose up out of MSS drains.

The male minimum-security unit cells were shabby and worn. Metal window shutters were held open with torn sheets. Garden boxes and crates were used as furniture. The bull pen, the last remnant of the 1894 prison, was now used as a recreation shed and had broken cupboards, tattered books and a broken pool table.

Forty-six per cent of prisoners surveyed said ablutions were poor. In 2019 it was 27 per cent. Showers in minimum-security were worn, dirty and littered with soap and tissues. In one of the bathrooms we saw an empty rusting condom machine.



Photo 4. Minimum security ablutions were degraded

Despite the degraded infrastructure, prisoners living in minimum-security were positive. They appreciated the rudimentary air conditioning in cells, and the relaxed atmosphere of their unit compared to conditions in the MSS.

DAILY LIFE

Prison infrastructure suffered during the wet season

In 2019 the Department had not supported our recommendation to fix mould in the administration buildings. However, we were given assurances that the situation would be monitored, given the humid climate and heavy rain (OICS, 2020a, p. 32).

In May 2022, the tropical wet season still lingered. We saw mould on the roof of the kitchenette in the earned privilege unit. Rain poured through the ceiling of the PHS office. Water pooled on desks and floors in what had been the education centre. Water inside rooms and wall cavities presented various risks.



Photo 5. Rain water pooled in administration

The new kitchen was already compromised. The roof cavity had no thermal barrier, so condensation penetrated the ceiling. Floor drainage was poor, encouraging mould, which in a food preparation area presented a health risk. Fuse boxes were filling with water, threatening the kitchen power supply.

Requiring prisoners to live and staff to work in such degraded conditions is unacceptable and it poses health and safety risks that would not be tolerated in a metropolitan prison.

6.3 CONTACT WITH FAMILY AND COMMUNITY

Prisoners got basic visits entitlements but with reduced options and flexibility

Historically, minimum-security prisoners at Broome had excellent access to visits in a garden environment, and the visits process was appropriately flexible. Last-minute visitors from remote communities could attend at short notice if they were in town. This recognised the value of cultural connection.



Photo 6. Minimum security visits area

In 2022, under the relevant COPP, the visits schedule was less flexible. BSO 7.2 allowed one hour daily for remand prisoners, most of whom were in the MSS, but sentenced prisoners had just two hours each week, which was less than what was allowed in 2019.

Those changes were reflected in the prisoner survey results. Only 68 per cent of respondents said that their access to family contact was 'good'. In 2019 it had been a high 85 per cent. We do accept that opinion may have been coloured by COVID-19 restrictions on visits procedure.

The visits environment for women and MSS prisoners remained poor

Our 2019 report noted the poor visits facilities in the MSS and the female unit (OICS, 2020a, p. 14). It was also not appropriate that visitors were required to move through the body of the prison to attend visits in those units. In 2022, the provision for MSS and female prisoners and their visitors had not improved.

The introduction of e-visits was a positive outcome from COVID-19

In 2019 we noted that e-visits may be beneficial for prisoners from remote communities. COVID-19 restrictions on in-person visits hastened the Department's roll-out of e-visit capability across all Western Australian prisons. BSO 7.2 required bookings for in-person and e-visits be managed the same way, with 24-hour notice and screening of visitors. The same video-conferencing equipment could also be used for non-contact visits for official visits and for court.

We were told that e-visits to family and community were not widely used by prisoners. We have not determined whether that was because prisoners were not aware of those

DAILY LIFE

options, that families in remote communities had no access to compatible facilities, or whether video was not seen as good way of connecting with loved ones. With time we hope the service is more widely used.

6.4 RECREATION

Prisoners had limited access to recreation, but a new library was planned

Our standards require that prisoners have regular access to physical exercise and recreational activities (OICS, 2020b, p. 24). Since the previous inspection, prisoner satisfaction with recreation had fallen, and was among the lowest in the state. Broome had no recreation officer, no organised sporting programs, no oval or open grassed space, no gym and few exercise machines. Claims that recreation was not required at Broome because it was a short-stay remand facility with a transient prisoner population were unfounded. In 2022 over 50 per cent were sentenced. The lack of recreation options at Broome was inconsistent with other prisons across the estate.

The only active recreation space at the prison was the basketball court, and since our last inspection it had been enclosed with fencing to make it available to women and maximum-security prisoners under appropriate supervision. In practice, however, it was only used by minimum-security male prisoners.



Photo 7. Central area with basketball court

At the time of our inspection, the supervision required for MSS prisoners to use the basketball court was not available because of ongoing staff shortages. Female prisoners were denied active recreation because, with the women's unit repurposed for male COVID-19 isolation, they were held in the reception MPCs, and promptly transferred

DAILY LIFE

elsewhere. One MSS prisoner complained that the lack active recreation and time in the sun caused ‘pain in our bones’.

Passive recreation options were also limited. We saw prisoners playing cards and darts and watching television. We only saw one prisoner playing a guitar. The library in the MSS dayroom was poorly stocked, and the DVD player was not working. In the old bull pen, the pool table was smashed, and the few books were tattered.



Photo 8. The old “Bull Pen” was dilapidated

Positively, local management was driving a small project to provide a library for prisoners in an unused minimum-security cell. Prisoner workers had assembled shelving, and more books had been sourced. With the new Broome Prison at least five years away, any increase in recreation options was valuable.

6.5 FOOD AND NUTRITION

The new kitchen was an improvement and operating well

Since our last inspection work had been completed on a new well-equipped kitchen. It was a significant improvement on the old kitchen, and on the temporary facility being used when we inspected in 2019. The dining room area was also spacious and could seat all the male minimum-security population.

DAILY LIFE



Photo 9. The dining area in the new kitchen was spacious

Men in the MSS were given portion-controlled dinner packs. They ate in the MSS dayroom, or in cells. During COVID-19 close-contact isolation in the MSS, meals were delivered through hatches and eaten in cell.

An independent food safety assessment had been conducted in October 2021. It found compliance across 33 of 35 categories. Despite its relative newness, several structural and equipment problems already existed, including ceiling and light fitting leaks, pooling floor water, and breakages.

Staff drew our attention to a serious design flaw. Neither of the external fridge/freezer sea containers had an internal door release mechanism, or an alarm. That exposed prisoner kitchen workers to risk of getting trapped inside. We understand that since the inspection this has been addressed.

Prisoners had access to a healthy and varied diet, but should get more cultural food

The meals provided at Broome were good. External expert diet analysis, prisoner feedback and inspection observation all suggested a healthy, varied diet was provided. While the prisoner surveys indicated a decline in satisfaction with meals, overall the response was positive and above state average. At the time of the inspection, prisoners had some complaints about a lack of variety.

For a prison with a majority Aboriginal population, our standards require that a range of traditional foods and bush tucker are available, and that the prison has relationships with community groups to assist in securing regular supply (OICS, 2020b, p. 26). That was not the case at Broome. We were told that cultural food was only available at special events, such as National Aboriginal and Islander Day of Observance Committee week. The prison

DAILY LIFE

should work towards better recognition of cultural needs by providing regular access to food options that are culturally appropriate for its Kimberley Aboriginal population.

6.6 CLOTHING AND HYGIENE

Prisoner opinion of clothing had fallen, and laundry operations had changed

Prisoners should have sufficient, presentable and clean clothing (OICS, 2020b, p. 20). The prisoner survey showed that approval of clothing had fallen from 65 per cent in 2019 to 36 per cent in 2022. The staff survey was similar, with their assessment of prisoners' access to clothing falling from 70 per cent to 51 per cent. The few prisoners that commented on clothing said that although the clothes were old, and it was hard to get them replaced, they could keep clothes clean. Clothing was washed daily and bedding weekly.

The Broome laundry is located between the female unit and the male minimum-security yard. It has roller-door access from both sides. Before COVID-19, male and female laundry workers were rostered on alternate days. Cultural avoidances were observed.

At the time of the inspection the laundry was being run by one male prisoner, with little staff supervision. He was experienced in the role and spent each morning and some afternoons washing all prisoners' clothing and bedding. As a senior man, he felt that it was not appropriate that he handle women's things. He avoided touching their clothing and would use sticks or other implements to move them around the laundry.

Despite the low female prisoner population, local management should have been aware of the laundry worker's distress. As the female population increases post-COVID, gender-separate laundry operations may become necessary again.

6.7 RELIGIOUS AND SPIRITUAL SUPPORT

Access to spiritual services was limited

Prisoners should be able to practice their religion and have access to pastoral visits and religious services. Aboriginal spirituality should be encouraged, supported by Aboriginal Elders (OICS, 2020b, p. 26). Broome was not meeting those expectations.

Two Catholic chaplains visited regularly, but apart from Christmas and Easter, no regular church services were held. Only seven per cent of prisoners responding to the survey said they were able to practice their faith and 39 per cent stated they could not. That was a poor outcome. Christian religious support was lacking.

Poor cultural and spiritual support for Aboriginal prisoners

Without an AVS presence and regular visits by Aboriginal Elders, the cultural and spiritual needs of the majority Aboriginal prisoner population were not addressed. That said, we are aware of the significant cultural variation across the Kimberley, with three distinct language groups, and over 40 dialects. Tradition, ceremony and diet for coastal communities are unlike those of desert people. When planning for the new Broome Prison, in its consultation process with Kimberley Aboriginal communities, the Department should seek to identify appropriate Elders to guide physical and operational design for the

DAILY LIFE

new build. Those Elders could also be considered for employment as cultural in-reach experts at the old prison in the years before the new Broome prison opens.

Recommendation 6

Establish a Kimberley Aboriginal Elder working group to drive cultural in-reach at Broome.

6.8 CANTEEN AND PRISONER PURCHASES

Prisoners and staff were positive about the canteen

Prisoners who engage in work or approved activities have gratuity payments made to their private cash account. Family or friends who are registered visitors can also make deposits to that account. Broome prisoners use those funds to buy goods from the on-site canteen.

Prisoners could order from the canteen twice weekly. It was well stocked with food stuffs, toiletries, confectionery and tobacco products. Stationary and art materials were also available. Orders were packed and distributed to units by the Canteen VSO. If items had been substituted, he explained why when the orders were distributed.



Photo 10. The canteen was well-stocked

Some prisoners told us that they struggled to afford items because they were on low gratuities. Because many prisoners were on low level 5 gratuities, the Canteen VSO worked carefully to source affordable items.

A weekly town spends system ran as well. Prisoners could buy a limited range of approved items that were not available through the canteen from retailers in town, such as electrical items, underwear and toiletries.

Chapter 7

HEALTH AND SUPPORT

7.1 PRIMARY HEALTH CARE

A dedicated team and slightly expanded service - but prisoners were more dissatisfied

As with all Department medical centres, Broome operated as a nurse-driven health practice. The centre was staffed seven days a week during out of cell hours, with two nurses rostered on weekdays and one on weekends. The Nurse Manager had a stable and experienced team with all but 19 hours per fortnight of the allocated nursing positions filled. They were supported by a receptionist.

A welcome improvement to services since 2019 was better access to a General Practitioner. A doctor contracted to Broome Aboriginal Medical Service came to the prison four mornings a week – a significant increase from one morning previously. Despite that, prisoners still waited four to five weeks to see a doctor. That was not acceptable and failed to meet community standards. Transient remand prisoners lost the opportunity for medical assessment and care.

Delays in accessing medical treatment are likely to have contributed to the dissatisfaction seen in the prisoner survey. Only 50 per cent of respondents thought medical services at Broome were 'good', down from 88 per cent in 2019. That was despite the increased doctor presence. We also found a large increase in the number of prisoners saying they had not used the service. It was unlikely that prisoners needed less treatment. Kimberley Aboriginal prisoners still have high health needs. They should have access to the medical centre during their stay.

Policy requires that prison medical centre staffing must include at least one custodial officer to provide security oversight. When a prison is under-staffed, that custodial officer can be redeployed elsewhere. Then, despite medical staff being present, the centre closes, and prisoner patients are not seen. At Broome, staff shortages frequently required officer redeployment, contributing to treatment delays.

We also heard that some custodial officers would only permit one prisoner patient at a time in the medical centre. Others would allow two. That inconsistency led to inefficiencies. Prison management and the Nurse Manager should agree on a position and expect custodial staff to comply.

Recommendation 7

All staff should comply with local policy regulating access to the medical centre.

Despite infrastructure and staffing limitations, COVID-19 was managed well

The Department's COVID-19 Taskforce coordinated operational preparedness across the prison estate. Each site played its part. To date, no prisoner in Western Australia had required hospitalisation because of COVID-19.

Compliance was especially important in a receptional prison like Broome. As cases spiked across Kimberley communities, effective precautions and infection control measures to

HEALTH AND SUPPORT

contain the virus were essential. Broome held a vaccination clinic in March 2022, and by May 2022, 88 per cent of prisoners had received three doses. All new arrivals were subject to an initial Rapid Antigen Test (RAT), which was then repeated each day for a week.

Broome was flexible in how it used infrastructure. Four prisoners sharing a cell had not been uncommon. Since March 2022, new male intakes were placed in the female unit. Non-symptomatic prisoners were placed in the MSS and tested for the eight-day period as per health protocols. Male prisoners testing positive remained in the women’s unit. Once through the intake process, any prisoners showing COVID-19 symptoms reported to their unit officer. To avoid transmission, they were RAT-tested in the unit rather than at the clinic.

We witnessed swift response to COVID-19 risk. On the first day of our inspection, a prisoner in the MSS tested positive. That prompted an immediate lock down and mass testing of all prisoners in the MSS as possible close contacts. Nineteen prisoners went into isolation.

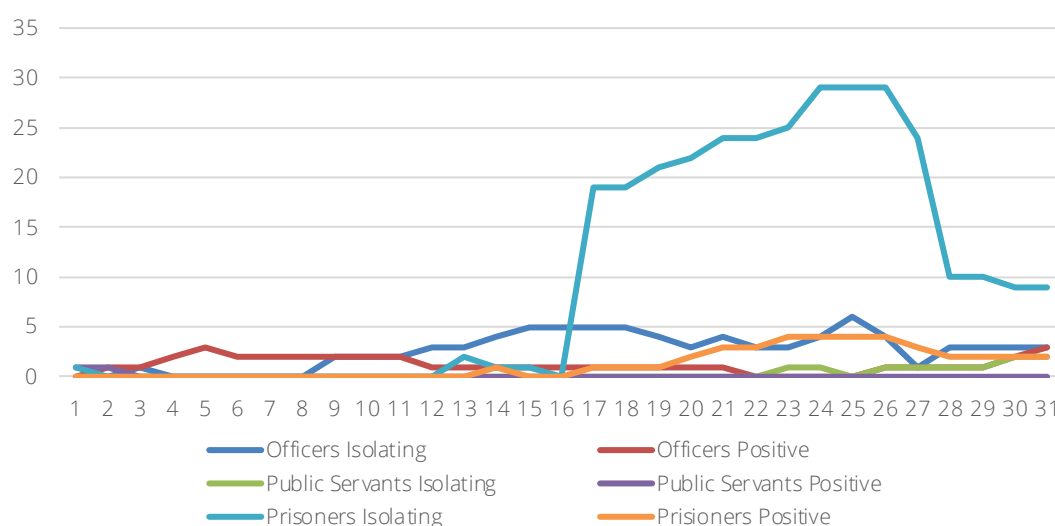


Figure 7.1 COVID-19 impact at Broome in May 2022

Ongoing COVID-19 management was in place. A prisoner trained in forensic cleaning regularly sterilised common touch-points. We saw posters explaining COVID-19 symptoms, vaccination rates and hygiene procedures. The posters were well targeted for the prisoner population. However, we also saw used wipes strewn around the prison. Better staff attention and oversight of prisoner behaviour would minimise risk.

As our inspection commenced, five custodial staff were isolating, and one had tested positive. That stretched those available staff, who in full Personal Protective Equipment were busy with the mass testing. Service delivery to prisoners suffered, but staff did their best to make sure prisoners got out of cell time and showers.

HEALTH AND SUPPORT

Access to most ancillary health services had improved

Kimberley community members carry significant underlying health conditions (WACHS, 2018, p. 5). It follows then, that access to ancillary health services are important. With this in mind, the Department should provide prisoners with regular access to dental, podiatry, physiotherapy, optometry and audiology services.

In 2022:

- a podiatrist visited four times a year
- a physiotherapist came in one day every six weeks, but could also use the allocated hours flexibly as needed
- an optometrist from Perth required that at least 12 clients be on the list. That restricted service provision at the small regional prison. Even coordinating lists with WKRP was not effective.

These services were an improvement on what we had found in 2019, but with the transient remand population and frequent transfers between Broome and WKRP, the immediate needs of prisoners were not always met.

Access to dental services had also improved. Prisoners were scheduled for appointments at the community dental provider 'as needed'. We were told wait times were currently about four weeks, which we understand is comparable to community standard.

Ventia and Broome struggled to provide transport to external health appointments

At Broome, Ventia is contracted to provide escort services to health appointments external to the prison. In 2022, Ventia had been experiencing chronic short-staffing and often could not provide those escorts. That left Broome with two options. The prisoner health appointment could be cancelled, or if they were available Broome staff could provide the escort.

Cancelling an external health appointment potentially put prisoner health at risk, but Broome was frequently unable to provide escort officers. The staff roster did not include escort positions and the prison was routinely experiencing significant staff shortages. Despite that, efforts were made to take prisoners out as often as possible, but that took officers away from duties inside the prison eroding the already limited services and activities.

The Department should either hold Ventia to providing transport to external health appointments at Broome or create new escort officer positions at Broome to provide that essential service.

7.2 MENTAL HEALTH CARE

Broome did not provide adequate on-site mental health support

Prisoners at Broome did not have adequate access to appropriate on-site mental health, alcohol and other drug (MHAOD) services and supports. Little had changed since our 2019 inspection when the single 0.5 full-time equivalent comorbidity nurse specialist

HEALTH AND SUPPORT

position had long been vacant. The Department had supported our 2019 recommendation that the position be filled, but in 2022 closed the recommendation because no suitable applicants had applied.

We were concerned that the Department considered the recommendation 'closed' simply because it had not been able to fill the role. As a result, prisoners lost the opportunity for MHAOD assessment and care.

The Department had proposed instead, that a consultant psychiatrist visit in person six times a year, and deliver telehealth consults as required. Providing psychiatric services remotely by telehealth is not an ideal method of service delivery for those with acute psychiatric issues, and perhaps less so for the majority male Kimberley Aboriginal cohort at Broome. We will, however, monitor the success of the Department's proposed alternative.

The only consistent on-site specialist mental health service was provided by the long-serving PHS specialist. She was highly experienced and committed but the focus of the role was addressing immediate self-harm risks and not broader mental health care. She was also supporting Roebourne and Greenough prisons remotely, because they also lacked adequate services. Given the prevalence of suicide in the Kimberley communities, PHS at Broome should be better resourced.

Prisoners and staff both reflected an acute awareness of the lack of mental health services. Only seven per cent of prisoners surveyed said they had 'good' access to mental health support, and comments suggested any positive reflections related to being on-country and with family, not due to prison services. This was a large decline from the 2019 results where 50 per cent felt access was 'good'.

Similarly, staff were also critical of mental health service availability:

- only 25% said mental health services were acceptable
- only 38% said suicide prevention and at-risk management were acceptable
- only 21% said services for prisoners at crisis were acceptable.

Broome lacked any appropriate infrastructure to manage prisoners with significant mental health needs. There was no therapeutic space away from the crowded units. The MPC used for that purpose was depressing, degrading and entirely inappropriate in a modern mental health service context.

Recommendation 8

Resource Broome adequately to better manage prisoners with mental health needs.

7.3 ADDRESSING SUBSTANCE ABUSE

Treatment for alcohol and other drug use was minimal

Alcohol addiction and misuse has long been widespread in the Kimberley Aboriginal population (Mental Health Commission, 2020, pp. 20-21). It continues to drive offending related to family violence, theft and motor vehicle crime. Yet, the prison only addressed substance use at the point of reception. That initial assessment could identify prisoners needing support for withdrawal from alcohol and other drug (AOD) use.

Health centre staff reported that alcohol dependency was the primary concern. Staff were experienced and confident in identifying and managing prisoners' alcohol withdrawal needs. Alcohol withdrawal 'kits' were available. Packs to manage withdrawal from other drugs were also available, but they were not used often.

After that initial AOD help, we found no support to continue the prisoner's journey through substance treatment, either structured or voluntary. Not even for the widespread alcohol abuse.

There had been no AOD specialist staff on site at Broome since 2015, and the designated comorbidity nurse position had been vacant for many years. At the time of the inspection, there were also no voluntary programs such as Alcohol Anonymous. No external service providers came in to provide support. Kimberley prisoners had to transfer out of country to participate if identified as needing a structured therapeutic program.

Uniformed staff said that they felt ill-equipped to support prisoners with substance use issues. The pre-inspection survey results showed only 33 per cent of staff felt prepared to manage prisoners with drug issues.

Recommendation 9

Resource Broome adequately to offer effective alcohol and other drug treatments.

Chapter 8

REHABILITATION AND REPARATION

8.1 CLASSIFICATION, SENTENCE ADMINISTRATION AND CASE MANAGEMENT

Some elements of assessments and case management worked well

On arrival at Broome, sentenced prisoners were given initial assessments to determine:

- their prison placement
- their security rating
- how best to structure their sentence
- how to make good use of time and reduce the risk of re-offending.

All prisoners should be given a Management and Placement (MAP) assessment within five days of arrival or of sentencing, if the sentence is for less than six months. The Department's Assessment Monitoring Report (AMR) for April 2022 noted that in Broome 13 MAP remand checklists had been approved that month, and four had not been completed within the required five days. Five MAPs for sentenced prisoners had been approved and two prisoners had not received a MAP within the required timeframe.

For prisoners serving an effective sentence longer than six months, an Individual Management Plan (IMP) is developed within six weeks of sentencing. The Department uses IMPs to specify individual rehabilitation requirements. Without an IMP, a prisoner will not have had their education or treatment needs assessed and so cannot participate in courses or programs to address offending behaviour.

According to the April 2022 Broome AMR, there were no outstanding IMPs and no outstanding treatment assessments. One prisoner had an overdue IMP review. As Broome was under pandemic and staffing pressures, that was a good result.

This inspection, case management coordination was managed by the ASOS. Broome also had a VSO Assessments Writer. We heard that position was often redeployed and backfilled during leave periods by the Canteen/ Stores VSO who was trained in assessments.

Education assessments were done by the WKRP Campus Manager and treatment assessments were done remotely from various locations. Prison officers also undertook the role of case managers and met longer-term prisoners at regular intervals to check their progress against the IMP. As custodial staff were often in units, prisoners could approach them with questions about their IMP which was appropriate given the low literacy skills of some prisoners.

Staff views on case management at Broome had improved since last inspection. Forty-six per cent of staff who responded to our survey thought case management services were 'acceptable', compared to 32 per cent in 2019.

REHABILITATION AND REPARATION

8.2 PROGRAMS

No criminogenic programs had run since 2019

Programs are the Department's tool to help people manage their treatment needs and address offending behaviours. If prisoners miss out on required programs, they risk their parole being denied.

In 2019, the Department supported in principle our recommendation that Broome provide a full suite of services, including therapeutic programs. Despite that, in 2022, no program resources had been allocated to Broome. The Department reasoned that Broome was a remand prison with a transient population, so most prisoners would not have an IMP, and few would be on site for long enough to complete a program.

But this was not an accurate assessment. Over half the prisoner population in Broome at the time of the inspection were sentenced, and some had been assessed as needing treatment programs to address addictions, violent offending and/or sexual offending.

Recommendation 10

The Department should give prisoners the opportunity to address their offending behaviour while in custody at Broome.

8.3 EDUCATION

No access to education, but links to WKRP were planned

At the time of the inspection Broome did not provide education services. There were no staff, no resources and no physical space to offer courses. In the prisoner survey, respondents made it very clear that lack of education was a concern. Staff agreed. None of the staff who responded to our survey thought education and training services were effective.



Photo 11: The education centre had been re-purposed as administration offices

REHABILITATION AND REPARATION

In 2020, the Department had considered providing some education capacity at Broome, summarised in a document titled 'A Kimberley Approach to Education and Employment'. It proposed a regional program to develop pathways to education and employment between the two Kimberley prisons. The document suggested that in 2021 the Campus Manager from WKRP might visit Broome twice a term to conduct education assessments and liaise with North Regional TAFE (NRT) at Broome. In fact, outcomes appeared to be limited. Three Broome prisoners transferred temporarily to WKRP to take part in a traffic management course. Beyond this we were not given further evidence that the proposed program had progressed.

Despite that, Broome had tried to increase education options. Local management had bought a coffee machine and NRT were preparing to run barista training courses. Broome had also developed a business case to install Wi-Fi mesh in the women's precinct. That would have enabled the use of secure digital tablets for education, but the business case had failed. We understand that the reason was the Department had not supported investment in the old prison because the new prison was planned.

Recommendation 11

Provide basic adult education services at Broome.

8.4 EMPLOYMENT

Prisoners were expected to work, but jobs were limited

Prisoner employment is a key feature of prison life. The jobs available vary from prison to prison, but usually support operational functioning. BSO 8.1 *Prison Based Constructive Activities* required that sentenced prisoners who refused employment be counselled and encouraged to find work. Remand prisoners were not legally required to work but often chose to. The benefits of routine, responsibility and income from gratuities were usually appealing to most prisoners.

At the time of the inspection, Broome had 51 prisoners on site, and nine at the Wyndham Work Camp. At the prison, 11 prisoners had found meaningful jobs at the kitchen, stores, laundry, maintenance, or in peer support. Two had been approved to work outside the prison under Section 95 of the *Prisons Act 1981* (WA). Fifteen were engaged in 'unit based' cleaning work, which, although necessary, involved little time undertaking simple and repetitive tasks. Twenty-three prisoners were not working at all. In short, only a quarter of prisoners at Broome had meaningful employment.

Staff shortages also affected prisoner employment. For example, the kitchen is an essential industry, but in the weeks before our inspection there had been days when neither chef was on site. This meant that prisoners worked unsupervised which was not ideal.

We understand that there was little the prison could do to expand work opportunities given the population size and constraints imposed by infrastructure. The result was that

REHABILITATION AND REPARATION



Photo 12. The new kitchen provided employment opportunities

most prisoners at Broome were denied a constructive day and this highlights the need for the Department to resource programs and education at Broome.

Most gratuities were paid at the lower rates

Prisoners who work earn gratuities that can be used to shop at the canteen, pay for phone calls, or save for release. Gratuities are paid at different levels, depending on the level of responsibility, application and skill required to perform the task. The highest paying gratuity Level 23 is earned by responsible minimum-security prisoners employed on projects outside the fence, in the community or at a work camp. The lowest Level 5 payment is less than 25 per cent of the Level 23 gratuity.

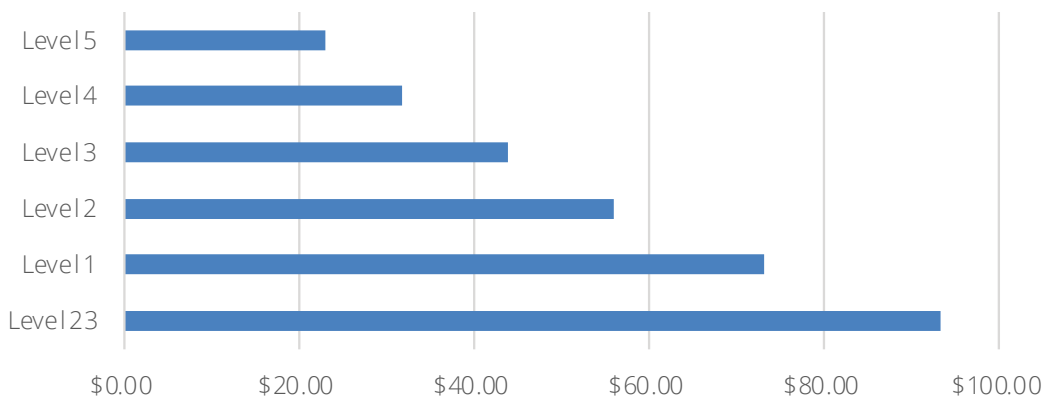


Figure 8.1 Weekly gratuity payment amounts

REHABILITATION AND REPARATION

COPP 8.1 Prisoner Constructive Activities sets out the recommended percentage of prisoners that should be allocated to each level. The actual distribution of gratuities within a prison depends on the nature of activities available.

The distribution of gratuities at Broome was set out in BSO 8.1. The prison had kept to the recommended 17 per cent allocation for higher gratuities including three men on Level 23 and five men on Level 1.

At the other end of the scale BSO 8.1 recommended paying 17 per cent of Broome prisoners the lowest Level 5 gratuity. At the time of the inspection, all 23 prisoners who were not working - 45 per cent of the population - were on Level 5. The prison could not pay them at higher levels because there was little for them to do. With the new Broome prison years away, a more generous gratuity profile should be considered.

8.5 RELEASE PREPARATION AND SUPPORT

Prisoners' transition to freedom was not well-supported

On-site at Broome, the lack of education and therapeutic programs, high unemployment and low gratuity earnings all detracted from effective preparation for release. Few prisoners went to freedom work-ready or with gratuity savings. Broome also struggled without a PSO, AVS or an on-site TM.

In 2018, the Department had contracted out reintegration service provision across the state. Services should commence towards the end of an offender's sentence and continue for up to 12 months following release.

For Broome, Centacare Kimberley (CCK) was the lead agency contracted to provide re-entry, transport and temporary accommodation services. CCK management told us that attracting and retaining staff had been difficult and this had impacted their ability to engage Kimberley prisoners. A further complication was that, despite it being a requirement under the contract, CCK found that tracking prisoners after release was difficult in the Kimberley.

The Kimberley reintegration contract required that prisoners in scope were referred to CCK by the responsible TM. The Kimberley TM position was based at WKRP but provided some support to CCK and the Broome Assessments Writer. CCK visits to Broome were scheduled on Wednesdays but CCK management told us they had received few reintegration client referrals for Broome prisoners.

Transport home – for prisoners from remote communities – and post-release accommodation were by far the two biggest challenges facing the TM and CCK. The logistics of returning prisoners home after release can be complex. Under the contract some sentenced prisoners released from Broome were eligible under the Transport Option Program (TOP) for assistance returning to remote communities across the Kimberley. The TM at WKRP had responsibility for informing CCK in Broome when TOP transport was required.

REHABILITATION AND REPARATION

Finding accommodation for prisoners released from Broome was difficult as housing across the Kimberley was always in short supply. CCK management told us that there were also few options for post-release residential rehabilitation. Some agencies that used to accept parolees no longer do so. Other local community-based organisations only accepted prisoners who were from those communities. The local Milliya Rumurra centre in Broome was often full. The high proportion of prisoners with sexual offence histories at Broome was a further barrier to them finding accommodation and employment after release.

Men's Outreach Service Aboriginal Corporation (MOSAC), based in Broome, ran community programs supporting men's health and wellbeing, and the prevention of suicide and domestic violence. MOSAC was also contracted to provide reintegration services for prisoners under the Commonwealth-funded Transition to Work Employment Service (TWES). Broome prisoners who were in scope could be referred to TWES by the TM, but that program was limited to three contact visits for each prisoner. Although that was not always enough for a thorough exploration of employment opportunities, it did provide some assistance for post-release employment.

MOSAC staff said that TWES did not provide engagement with prisoners after release. We heard that most Kimberley prisoners went into the Newstart/CDP 'Stream C' (for those with poor employment prospects).

8.6 COMMUNITY RELATIONS

Broome had lost connection with the community

Prisoners can be approved to undertake activities outside the prison under Section 95 (s95) of the *Prisons Act 1981* (WA). On previous Broome inspections we had found prisoners and the wider Broome community had benefited from an active s95 program. This had compensated for the limited employment opportunities within the prison.

As far back as 2011, many prisoners at Broome were engaged in community work, undertaking things like renovating derelict public housing and maintaining the grounds and gardens around the Broome Courthouse (OICS, 2012, p. 42). This work activity had provided prisoners with opportunities for rehabilitation, reparation, and real connections back with their community.

But these opportunities had not endured. We were informed that the s95 program at Broome had been suspended early in 2020 due to COVID-19 risks. It was re-established in 2021 but was suspended again in January 2022. At the time of this inspection, only two prisoners were involved in undertaking s95 work just outside the fence. The days of gardens maintenance at the court precinct were long gone and Shire staff lamented the loss of s95 project work around Broome.

Recommendation 12

Reinvigorate the section 95 program and build strong connections with the wider community.

Appendix 1

BIBLIOGRAPHY

- Cowper, M. (2012, August 22). Media Statement. *Broome Prison to remain open for three years*. Perth: Government of Western Australia.
- DCS. (2006). *The Kimberley Custodial Plan project concept report*. Perth: Department of Corrective Services.
- Department of Finance. (2022). Shire of Broome Local Planning Scheme No. 7 Submission. *New Custodial Facility. Submission to Local Government*. Perth: Department of Finance.
- Department of Health. (2022). *COVID-19 Weekly Surveillance Report*. Perth: Government of Western Australia.
- Francis, J. (2015, June 11). *Hansard Extract from Estimates Committee A*. Perth, Western Australia: Government of Western Australia.
- Logan, F., & Wyatt, B. (2019). Fact Sheet. *Streamlining WA - Making it easier to do business*. Perth: Streamlining WA Secretariat.
- McGregor, W. (1988). Handbook of Kimberley Languages. *Pacific Linguistics Series C - No.105*, 1-3.
- Mental Health Commission. (2020). *Suicide Prevention 2020*. Perth: Government of Western Australia.
- OICS. (2001). *Report of an Announced Inspection of Broome Regional Prison, Report No. 6*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2005). *Directed Review of the management of offenders in custody, Report No. 30*. Perth: Office of the inspector of Custodial Services.
- OICS. (2012). *Report of an Announced Inspection of Broome Regional Prison, Report No. 77*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2015). *Report of an Announced Inspection of West Kimberley and Broome Regional Prisons, Report No. 96*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2017a). *2017 Inspection of Eastern Goldfields Regional Prison, Report No. 111*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2017b). *2017 Inspection of Broome Regional Prison, Report No. 112*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2017c). *2017 Inspection of West Kimberley Regional Prison, Report No. 113*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2020a). *2019 Inspection of Broome Regional Prison, Report No. 126*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2020b). *Revised Code of Inspection Standards for Adult Custodial Services*. Perth: Office of the Inspector of Custodial Services.

BIBLIOGRAPHY

- OICS. (2020c). *2020 Inspection of Eastern Goldfields Regional Prison, Report No. 132*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2021). *2020 Inspection of West Kimberley Regional Prison, Report No. 133*. Perth: Office of the Inspector of Custodial Services.
- OICS. (2023). *Directed Review into the Department of Justice's performance in responding to recommendations arising from coronial inquiries into deaths in custody*. Perth: Office of the Inspector of Custodial Services.
- Porter, C. (2009, May 15). Media Statement. *Government delivers new Eastern Goldfields prison*. Perth: Government of Western Australia.
- Productivity Commission. (2014). *Steering Committee for the Review of Government Service Provision. Report on Government Services 2014*. Canberra, ACT: Productivity Commission, Commonwealth of Australia.
- Quirk, M. (2007, April 24). Media Release. *Minister announces new prison for West Kimberley*. Perth: Government of Western Australia.
- Shire of Broome. (2022). *Agenda for the Ordinary Meeting of Council 12 May 2022*. Broome: Shire of Broome.
- Vicker, E. (2019). *Record of Investigation into the Death of Khamsani Victor Jackamarra (also known as Hajinoor)*. Perth: Coroner's Court of Western Australia.
- WACHS. (2018). *WA Country Health Service Kimberley Health Profile*. Perth: Government of Western Australia.

Appendix 2

ACRONYMS

AOD	Alcohol and other drug
AMR	Assessment Monitoring Report
ARMS	At-risk Management System
ASC	Aboriginal Services Committee
ASO	Assistant Superintendent Operations
ASOS	Assistant Superintendent Offender Services
AVS	Aboriginal Visitor Scheme
BSO	Broome Standing Order
CCK	Centacare Kimberley
CCTV	Closed-circuit television
COPP	Commissioner's Operating Policies and Procedures
COVID-19	Coronavirus disease
DFES	Department of Fire and Emergency Services
EM	Emergency Management
FASD	Foetal Alcohol Spectrum Disorder
GROH	Government Regional Officer Housing
IMP	Individual Management Plan
NRT	North Regional Technical and Further Education
MHAOD	Mental health and other drug
MAP	Management and Placement
MOSAC	Men's Outreach Service Aboriginal Corporation
MPC	Multi-purpose cell
MSS	Maximum Security Section
OICS	Office of the Inspector of Custodial Services
PHS	Psychological Health Services
PRAG	Prisoner Risk Assessment Group
PSO	Prison Support Officer
PSP	Peer Support Prisoner
PSS	Prison Support Services
RAT	Rapid Antigen Test

ACRONYMS

SO	Senior Officer
s95	Section 95 of the <i>Prisons Act 1981</i> (WA).
TM	Transitional Manager
TOP	Transport Options Program
TWES	Transition to Work Employment Service
VSO	Vocational and Support Officer
WKRP	West Kimberley Regional Prison

Appendix 3

DEPARTMENT OF JUSTICE RESPONSE



Response to OICS Draft Report:

**2022 Inspection of Broome Regional
Prison**

May 2023

Version 1.0

DEPARTMENT OF JUSTICE RESPONSE

Response to OICS Draft Report:
2022 Inspection of Broome Regional Prison

Response Overview

Introduction

On 11 January 2022, the Office of the Inspector of Custodial Services (OICS) announced the 2022 Inspection of Broome Regional Prison (Broome).

To assist with the inspection, the Department of Justice (the Department) facilitated the provision of a wide range of documentation, including policies and procedures, as well as access to systems, facilities, staff, prisoners, and contractors.

On 21 April 2023, the Department received the draft inspection report from OICS for review and provided further context, comments, and responses to the 12 recommendations.

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

Department Comments

Broome plays an essential role as the primary prisoner receipt and disbursement prison. The Department has undertaken major infrastructure upgrades to improve the physical infrastructure and living conditions at the aging facility, including a maintenance program.

Broome is currently in a transitional phase in the lead-up to the construction of the planned new prison. The Department acknowledges the current structural limitations and the impact on prison support services due to a tight labour market and modest spending ahead of the larger capital investment. Funding has been allocated to address immediate and critical works including fixing roof leaks and mould issues, a security system upgrade and other structural issues.

Despite Broome's staffing, infrastructure and services limitations, the Department is pleased to note positive observations by OICS in relation to the management of the facility.

OICS found the pandemic response was well managed by Broome and the Department's COVID-19 Taskforce. Isolation and testing requirements stretched prison management and staff; however, Broome operations were successfully maintained.

The identification and management of prisoners at risk of self-harm by the Prisoner Risk Assessment Group (PRAG) was well managed. Chaired by the Assistant Superintendent Offender Services (ASOS) and attended by staff, unit managers, the Psychological Health Services (PHS) counsellor, and a nurse, the PRAG met as often as was required to ensure safe and appropriate placement and management of prisoners at risk.

Prisoners now have better access to a General Practitioner. A doctor contracted to Broome Aboriginal Medical Service visits the prison four times a week and the Department will continue to work with medical practitioners to further improve this service.

The new, better equipped kitchen is operating well and provides prisoners with employment opportunities. The dining room area is spacious and can seat all the male minimum-security population. Men in the maximum-security section (MSS) are given portion-controlled dinner packs which they eat in the dayroom or in cells. During

DEPARTMENT OF JUSTICE RESPONSE

Response to OICS Draft Report:
2022 Inspection of Broome Regional Prison

COVID-19, meals were delivered through hatches and eaten in cell. An independent food safety assessment conducted in October 2021 found Broome to be compliant across 33 of 35 categories.

Prisoners and staff have been positive about the canteen, which is well stocked with food items, toiletries, stationery and art materials. Orders are packed and distributed to units by the Canteen Vocational Support Officer (VSO).

OICS identified elements of assessments and case management that worked well. According to the Department's Assessment Monitoring Report (AMR) for April 2022, Broome had no outstanding Individual Management Plans (IMPs) to be developed and no outstanding treatment assessments. Broome maintained prisoner IMPs with only one prisoner identified as having an overdue IMP. OICS commended Broome for this, given the difficulties faced during the pandemic.

The Department acknowledges the issues in relation to staffing at Broome and its impact on services, noting that recruitment is a national issue, particularly in the regions. As identified in the OICS report, there is a significant number of staff on the transfer list waiting to transfer to Broome. The ability to secure accommodation for staff through the Government Regional Officers' Housing (GROH) Scheme or private rentals is increasingly difficult. Competition for rental accommodation with the local population, wider public sector agencies and larger private organisations continues to restrict the ability for the Department to transfer staff.

Notwithstanding the difficulties, the Department continues its efforts to obtain housing and recruit to the regions. In addition to the current GROH housing, the Department has committed funding for four additional long-term-lease housing through the Department of Communities, which are currently under construction and scheduled for completion in 2023-24. Ongoing recruitment activities are underway, including regional campaigns targeting existing residents.

The recruitment of specialist mental health staff is a significant recurring issue affecting not only the Department, but the health system in general. The Department continues to exhaust all avenues possible to attract candidates to such roles.

The Department notes the findings in the 2022 Inspection of Broome and has supported 11 of the 12 recommendations, four of which are supported in principle due to potential practical impediments and four are part of current practice and/or projects currently underway.

The Department can confirm that planning for the development of the new prison through extensive community consultation is underway.

DEPARTMENT OF JUSTICE RESPONSE

Response to OICS Draft Report:
2022 Inspection of Broome Regional Prison

Response to Recommendations

1 Explore solutions to the causes of current under-staffing at Broome and plan for the staff needs of the new prison.

Level of Acceptance: Noted
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

The availability of housing both through Government Regional Officers' Housing (GROH) and the private rental market is currently the primary issue affecting the Department's ability to fill vacant positions at Broome.

In addition to the current GROH housing, the Department has committed funding for four long-term-lease housing through the Department of Communities, which are currently under construction and scheduled for completion in 2023-24.

Notwithstanding the accommodation issues at Broome, the Department continues to undertake significant recruitment activities to fill vacant prison officer positions, including local campaigns targeting existing residents.

2 Implement a thorough orientation process for new prisoners.

Level of Acceptance: Supported
Responsible Division: Corrective Service
Responsible Directorate: Adult Male Prisons

Response:

Standing Order 2.1 – Reception and Release will be reviewed to ensure Broome's orientation processes are adequate and provide structure and consistent guidance to officers who may be unfamiliar with processes.

3 Ensure adequate presence of Prison Support Services at Broome.

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

Response:

The provision of Prison Support Services at Broome is impacted by the resourcing and infrastructure limitations. The service is provided by custodial staff.

A recent AVS recruitment process (finalised in April 2023) did not identify any suitable applicants and further recruitment attempts will be made.

Work continues on a revised service delivery model for the AVS which is expected to address the current staffing issues and improve conditions and outcomes for Aboriginal people in custody. This includes exploring the possibility of contracting Elders from the regions to undertake support work.

DEPARTMENT OF JUSTICE RESPONSE

Response to OICS Draft Report:
2022 Inspection of Broome Regional Prison

4 Implement all Coroner's Court suicide-related recommendations in full.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

Recommendations made by the Coroner are individually assessed and recorded in the Department's recommendations management system 'RiskShare'. The implementation and closure of these recommendations is monitored and tracked through the governance and assurance processes under the Department's risk and audit committees.

5 Ensure staff compliance with Broome Standing Order 10.6.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

Commissioner's Operating Policy and Procedure 10.6 Anti-Bullying (COPP 10.6) sets out operational requirements for the management of bullying behaviours to provide a prison environment that is safe, secure and free from intimidation.

Pursuant to section 6, Superintendents are required to make and issue a Standing Order localising the anti-bullying procedures for their prison. Broome Regional Prison's Standing Order 10.6 Anti-bullying (Standing Order) contains the strategies and action plan for staff to implement where there is a suspected or actual bullying incident. This requirement will be reinforced with staff.

All bullying incidents are investigated to identify the perpetrator(s), the issues and a resolution which accommodates the victim's wishes.

Further, the Department's People Culture and Standards Division provides integrity and ethical awareness training on expected standards of behaviour and the types of conduct that are reportable under the code of conduct, which includes bullying.

6 Establish a Kimberley Aboriginal Elder working group to drive cultural in-reach at Broome.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

The Department is in the process of developing a Memorandum of Understanding (MoU) with the Yawuru traditional owners of the Broome area, represented by the Nyamba Buru Yawuru (NBY) company.

The MoU is being developed to ensure a mutually respectful and collaborative relationship between the Department and NBY, and to ensure appropriate community consultation and engagement in the design of the new Broome Regional Prison. The

DEPARTMENT OF JUSTICE RESPONSE

Response to OICS Draft Report:
2022 Inspection of Broome Regional Prison

MOU will ensure associated programs and services have a strong focus on cultural support, education and rehabilitative opportunities.

7 All staff should comply with local policy regulating access to the Medical Centre.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

The Superintendent issued a reminder to Broome staff in May 2023 requesting staff to familiarise themselves on the medical centre security requirements, including Standing Order 6.1 Access to Health Care and Medication which sets out the procedures for the provision of health care services to prisoners.

The Instruction relates to medical centre opening hours, restriction of prisoner movement through the medical centre, and reinforces that up to two prisoners may be permitted in the centre at any one time.

8 Resource Broome adequately to better manage prisoners with mental health needs.

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

Response:

The recruitment of specialist mental health resources is a significant recurring issue affecting the Department and the health system statewide.

A rolling statewide recruitment process has recently been initiated and has been ongoing since April 2023.

A mental health nurse based at West Kimberly Regional Prison provides a telehealth in-reach service as required. In addition, a Mental Health Alcohol and Other Drugs (MHAOD) psychiatrist visits the facility every eight weeks.

9 Resource Broome adequately to offer effective alcohol and other drug treatments.

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

Response:

A MHAOD clinical nurse position that provides a co-morbidity service at Broome is currently vacant due to recruitment challenges.

A mental health nurse based at West Kimberly Regional Prison provides a telehealth in-reach service to prisoners requiring alcohol and other drug treatments upon request. In addition, a MHAOD psychiatrist visits the facility every eight weeks.

Response to OICS Draft Report:
2022 Inspection of Broome Regional Prison

10 The Department should give prisoners the opportunity to address their offending behaviour while in custody at Broome.

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

Response:

At this stage Broome does not have the physical capacity to facilitate the delivery of Offender Programs services to offenders. There are no group program rooms suitable for offender program delivery.

When prisoners are sentenced and have their treatment needs identified, they may be eligible to transfer to a more suitable prison with appropriate facilities to deliver the required program.

11 Provide basic adult education services at Broome.

Level of Acceptance: Supported
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

Education services at Broome are limited due to resourcing and infrastructure limitations. There are no physical rooms to facilitate the delivery of adult education services to prisoners.

In-reach educational services are available from contract in-service providers locally and from West Kimberley Regional Prison on a need's basis.

Planning for the new Broome facility includes discussion around design options for an education centre and classrooms that will enable the Department to provide prisoners with education services.

12 Reinvigorate the section 95 program and build strong connections with the wider community.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Adult Male Prisons

Response:

The Department is supportive of greater prisoner participation and the expansion of the section 95 community work in Broome. Minimum-security prisoners at Broome are continually assessed for section 95 eligibility and approved prisoners are prioritised for placement at Wyndham Work Camp given the greater rehabilitative and work opportunities available at the camp.

Appendix 4

INSPECTION DETAILS

PREVIOUS INSPECTION

21-25 July 2019

ACTIVITY SINCE PREVIOUS INSPECTION

Liaison visits	5
Independent Visitor visits	14

SURVEYS

Prisoner survey	20 April 2022	28 responses
Staff survey (online)	4-26 April 2022	37 responses

INSPECTION TEAM

Darian Ferguson	Deputy Inspector
Natalie Gibson	Director Operations
Lauren Netto	Principal Inspections and Research Officer
Charlie Staples	Inspections and Research Officer
Liz George	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer

KEY DATES

Inspection announced	10 January 2022
Start of on-site inspection	15 May 2022
Completion of on-site inspection	2 June 2022
Presentation of preliminary findings	8 July 2022
Draft report sent to Department of Justice	21 April 2023
Declaration of prepared report	26 June 2023



THIS PAGE LEFT INTENTIONALLY BLANK

*Inspection of prisons, court custody centres, prescribed lock-ups,
youth 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