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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION
OF EASTERN GOLDFIELDS REGIONAL PRISON



Report of an Announced Inspection of
Eastern Goldfields Regional Prison

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The Inspector's Overview

BACKGROUND

This inspection was the third inspection of Eastern Goldfields Regional Prison (EGRP). When first visited by the Inspectorate in 2000, the prison was caught up in the turmoil that had been created by the sudden departure of a previous superintendent and a number of resulting industrial and employment issues. Over the subsequent 12 months, the prison's performance deteriorated further, so that in August 2001 I was prompted to make an unannounced inspection. The prison was indeed in very poor shape. There were serious concerns regarding management practices and inequitable treatment of Aboriginal, female and high-security prisoners, whilst the physical condition of the prison was extremely poor.¹ The Department of Justice subsequently committed to implementing the 11 recommendations stemming from that unannounced inspection and made an allocation of \$2.8 million for infrastructure improvements, hygiene improvements, refurbishment of outdoor areas, enhancement of Section 94 employment opportunities, and expansion of educational facilities.²

The second inspection in February 2002 found that cultural awareness training for staff was occurring and there had been a revival of the peer support program. Although not a great deal else had actually been achieved, there was an evident sense of energy and optimism at the prison and service improvements were being planned. Unfortunately, these efforts petered out, and regular liaison visits to the prison by my staff suggested that although progress had been made in some areas, overall the prison was slipping backward and was again under stress.

WHAT WE FOUND IN THIS INSPECTION

This third inspection, which took place in February 2005, confirmed that overcrowding and understaffing had once again placed prison staff and prisoner services under tremendous stress. Whilst I acknowledge that overcrowding may occur from time-to-time in a well-run prison, there is simply no excuse for such chronic overcrowding of prisoners from the Goldfields. While nominally a 'regional prison' and thus presumably intended to cater for regional needs, in reality it is inadequate to the demands of the region. Additional accommodation is now critically overdue. Over 100 prisoners from the region were being housed 'out of country' in metropolitan prisons, creating enormous obstacles for family visits. As noted in other inspection reports, particularly those relating to Acacia Prison where many Wongi prisoners are held, there is a profound sense of depression and listlessness among traditional Aboriginal prisoners dislocated from their home country. The overcrowding at EGRP also restricted the prison's capacity to accept prisoners from the region who were being held in metropolitan prisons and wanted to temporarily return to the prison for a visit or to serve out the last part of their sentence.

1 Office of the Inspector of Custodial Services (OICS), *Unannounced Inspection of Eastern Goldfields Regional Prison – August 2001*, Report No. 4 (November 2001).

2 This funding was to be provided over a 10-year period. At the time of the second inspection the planned work had not commenced.

Despite some improvements to the health centre and the women's accommodation area, the core infrastructure remained chronically substandard. The prison is still one of the most impoverished in Western Australia. There was a critical need for more prison officers, and an increase in the budget to enable appropriate programs and services to be provided. The continued inadequacy of programs, work and training opportunities appeared to be in part due to the overall departmental neglect of regional prisons and in part due to an inability to design a constructive prison day for Aboriginal people from traditional communities. The fact that at a basic level the prison was unhygienic and dirty proved to be symptomatic of a deeper malaise in which overcrowding was impacting on all aspects of the prison's operations. Particularly concerning was the fact that case management was in disarray and, with few exceptions, prisoners appeared to be being simply warehoused until the time of their release.

In fairness, some areas of the prison had improved. Health services were well run, appropriate to the needs of this population and provided effective access to external community medical services, although more could have been done to promote preventative health care. Education services were in need of Aboriginal male staff to counteract traditional cultural resistance to women as teachers, and the curriculum needed reviewing in the face of a high number of Aboriginal prisoners from traditional backgrounds who were looking for more cultural relevance from education. Having said that, the education staff were committed and caring. Physical improvements had been made to the maximum-security male and female sections, which had been positive; unfortunately the deficits in the male maximum-security unit had been so severe that even with the improvements the unit still fell well short of what was acceptable. Despite the poor physical conditions, the visiting arrangements were relaxed and flexible, and the success of this approach was evident in the large number of families and friends visiting prisoners. In October 2004, five women had been able to participate in a community-based women's camp under Section 94 (although such events had ceased due to restrictions subsequently applied to Section 94 work releases). Improvements in the number of Aboriginal members of staff were also noted, although still nowhere near the level required.

The prison was under stress, but not failing. To move forward there needed to be an immediate investment in the prison infrastructure, human resources, budget and community consultation and in its capacity to provide meaningful services to the overwhelmingly Aboriginal prisoner population.

POSTSCRIPT

On 5 April 2005, John D'Orazio MLA, Minister for Justice, directed that the Inspector of Custodial Services undertake a widespread review of the management of offenders in custody³ (the Review) in conjunction with the Mahoney Inquiry terms of reference. The recommendations of the Mahoney Inquiry and the Review have potentially changed the correctional landscape. If the recommendations of both reports are fully implemented, there will be a significant injection of resources and skills as well as a philosophical shift across all prisons.

3 OICS, *Directed Review of the Management of Offenders in Custody*, Report No. 30 (November 2005).

Part of the Review included the identification of infrastructure needs and prioritisation of requirements for the next decade. Particular emphasis was placed on regional needs. Chapter Four of the Review is devoted entirely to the Eastern Goldfields – meaning the huge land mass the size of New South Wales taking in the local government areas of Kalgoorlie-Boulder, Dundas, Esperance, Laverton, Leonora, Menzies and Ngaanyatjaraku. The Review was tabled in Parliament in November 2005. As this inspection report is in print, the government is giving consideration to the recommendations of the Review, which included the following blueprint of proposals to enable a comprehensive regional prison service to be developed to meet the needs of the Eastern Goldfields:

- In 2006, the establishment of 16 new, temporary male beds should be added to meet immediate projected needs.
- In 2007, the establishment of a new mobile work camp for 10 male prisoners.
- In 2007, the establishment of a new four-bed pre-release centre for females.
- The immediate commencement of consultations and planning to facilitate the commissioning of a new prison in the Eastern Goldfields by 2010.

The new prison would be a full-service prison suitable for all security ratings and both men and women. It would be constructed on the existing site and adjoining properties.

Clearly, the advent of these proposals (assuming they are acted upon by government) shifts the recommendations contained in this report into the context of being interim. However, nothing in the Review or the Mahoney Inquiry reports changes the validity of the findings of this inspection of EGRP, and this Report stands as an objective assessment of the state of the prison at the time of the inspection in February 2005.

Richard Harding
Inspector of Custodial Services
May 2006.

Chapter 1

CUSTODY

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- 1.1 The then Department of Justice (the Department) agreed that the level of physical and procedural security⁴ at EGRP needed to be realigned, with the needs of the largely minimum-security prison population. However, it noted that this would be a challenge given the structural constraints of the facility.
 - 1.2 Between the first unannounced inspection in 2001 and the follow-up inspection six months later, some of the heavy fortification and structural barriers that had been a cause for concern in the first inspection had been removed. This included the fence around the Aboriginal meeting place and internal fences in the women's section, giving the prison a more spacious appearance. These changes also allowed female prisoners and closed-security male prisoners to access visits and education without restraints. Security at the prison was still reliant on static security and was not commensurate with the minimum-security classification of the majority of the prisoners. This was particularly evident in the women's section where a 'one-size-fits-all' approach had resulted in security arrangements defaulting to those more suitable for maximum-security prisoners.
 - 1.3 Prisoners, with justification, complained that they were not treated as well as metropolitan minimum-security prisoners, citing the lock-down of the male minimum-security unit at night in comparison to the more open arrangements at Wooroloo, Karnet, and Boronia.⁵ The lack of ready access to the prison's internal oval was another example of minimum-security prisoners being subjected to a regime that did not reflect their security classification.
 - 1.4 Part of the current inspection included a thorough risk assessment, which revealed the following concerns:
 - Eight cell fires had occurred at EGRP between mid-1993 and mid-2002. A joint Department of Justice and Fire and Emergency Services Authority (FESA) report noted that in the event of a fire, prisoners who were locked into cells would be at considerable risk from inhalation of noxious smoke from burning mattresses, pillows and bedding. It was recommended that bedding be replaced with fire resistant materials and that an automated fire sprinkler system (such as at Casuarina Prison) be installed in prison cells. At the time of the inspection these recommendations had not been implemented.⁶

4 The terms 'physical security, procedural security and dynamic security' are used throughout this report in the sense in which they are defined by Coyle A, (2002) *A Human Rights Approach to Prison Management*, (London: International Centre for Prison Studies, 2002) 63–65.

- Physical Security: Aspects of physical security include the architecture of the prison buildings, the strength of the walls of those buildings, the bars on the windows, the doors of the accommodation units, the specifications of the perimeter wall and fences, watchtowers and so on. They also include physical aids to security such as locks, cameras, alarm systems and radios.
- Procedural Security: This relates to those procedures, which have to be followed to prevent escape. Some of the most important of these procedures are concerned with searching, both of physical spaces and of individuals.
- Dynamic Security: Depends on alert staff who interact with prisoners, who have an awareness of what is going on in the prison and who make sure that prisoners are kept active in a positive way.

5 Subsequent to the escape of a high-profile prisoner from Karnet Prison Farm, the government has proceeded with fencing the accommodation units at Wooroloo and Karnet.

6 Department of Justice and Fire and Emergency Services Authority (WA), *Fire and Related Emergencies Project (Confidential) Report* (April 2003).

The prison supplied a copy of the fire emergency exercise conducted in December 2004. Six quite serious errors were made. Disturbingly, it was found that the fire hoses were not able to reach all buildings within the prison.

- The gatehouse of the prison was inadequate for a multifunctional prison. It was in effect a guard post staffed by a senior officer who routinely recorded the vehicle and pedestrian movements in and out of the prison. Vehicles carrying prisoners classified as maximum- or medium-security entered a secure sally port adjacent to the secure male prisoners' unit and were processed there. At times the unit staff also suspended their other duties to attend to a vehicle in the sally port. The sally port did not have a vehicle examination pit and, the location of the sally port was contrary to the 'defence-in-depth' principles of security management.
- The unit control room for the male maximum-security unit was barely adequate for its purpose. The staff evacuation door was difficult to operate and the room was small and often crowded. During the risk assessment, there was considerable delay in locating the Hoffman Rescue Knife (911 Rescue Tool) that should have been immediately available in the event of a suicide attempt by hanging.
- The physical security of the maximum-security exercise yard was considered by management to be inadequate and the yard poorly designed. Consequently, management had determined that an external officer was required to directly supervise the maximum-security male prisoners in the yard. However, the deployment of officers within the prison was such that this officer was often not available, resulting in prisoners frequently being denied access to the yard.
- The night-time staffing levels were insufficient to enable a safe emergency evacuation of the prison. In 2004, a serious fire occurred at the prison and two prisoners escaped during the evacuation procedure.
- Emergency equipment was found not to be readily available or was incomplete, as was the case with the 'ready response' bags for fence retrieval. All emergency response equipment within the prison should have been subjected to comprehensive audit and replacement procedures. These deficits were drawn to the attention of the management at the time of the inspection.
- Policy Directive 26 requires a minimum of 15 per cent of cells to be searched each week and all cells to be checked on a fortnightly basis to ensure continued physical security. Staff advised us that the prison was not complying with this requirement.
- Inadequate staffing levels coupled with limited training and exercises had reduced the prison's capacity to respond to an attempted escape or a fence retrieval situation. The Eastern Goldfields Regional Prison Emergency Procedures Manual appeared to be a cut and paste from other manuals that had not been fully tested.

Recommendation 1

That the Department conduct a full security and emergency procedures audit of the prison with regard to infrastructure and equipment needs, processes, and staffing requirements. Particular account should be taken of the nine matters raised in paragraph 1.4 of this Report.

DISCIPLINE AND PUNISHMENT

- 1.5 There was a marked lack of confidence expressed by both prisoners and staff in the effectiveness of formal punishment procedures. Staff told the inspection team that they had little confidence in the prison disciplinary system because the delay in having matters heard meant that many of the prisoners were transferred or released before charges could be dealt with. Some staff admitted that they did not submit incident reports as a consequence. There was a sense that, because many of the charges were not heard before prisoners were released, it was not worthwhile for officers to spend the time formally laying charges.
- 1.6 In discussions with officers involved in the prosecution of internal disciplinary charges, the allegation that charges were not laid or not prosecuted in a timely manner was conceded. This was said to be due to the lack of staff and the high number of prisoners. There was no dedicated staff position of 'prosecutor', and consequently the only option was for officers with relevant training to be taken off the roster to undertake this work. However, staff shortages meant that this was usually not practical. Moreover, with the punishment cells generally used to house the overflow of prisoners, there were no cells available for punishment.
- 1.7 Aboriginal prisoners reported that they feared being sent to a metropolitan prison and that threats of transfer were used to manage behaviour and difficult prisoners. Such comments are not unique to EGRP, but these matters can rarely be confirmed. Nonetheless, while demand for regional prison beds exceeds supply and there is a premium placed upon remaining at a regional prison, there is significant potential for non-compliant prisoners to be selected for transfer. Regional prisons must manage their non-compliant prisoners with the normal range of incentives, loss of privileges and disciplinary processes that are equally applied to all prisoners through open and transparent processes. It is therefore incumbent upon the management of regional prisons to have measures in place to ensure that prisoners are not subjected to informal threats or intimidation in relation to being transferred. In future inspections of regional prisons, the Inspector will investigate whether such measures have been implemented.
- 1.8 The daily situation reports following the inspection indicated that EGRP has subsequently established a more committed approach to roster officers for prosecutions. Ultimately, additional specialist staff will be required to undertake prosecutions work at the prison.

BULLYING

- 1.9 The Department's Operational Instruction 15 requires each prison to demonstrate or develop a comprehensive anti-bullying strategy. This had not occurred at EGRP. Based on the prison officers' survey, instances of racist comments and other verbal abuse between prisoners occurred often, with bullying occurring less frequently. Staff did, however, make the point that it was difficult to gauge the level of bullying as much of it was done in Aboriginal languages. Prisoner focus groups confirmed that racist comments and abuse between prisoners was common. This tended to be among Aboriginal prisoners and was not generally directed to or from the non-Aboriginal prisoners. Despite this reported level of abuse, neither prisoners nor staff reported that they felt unsafe.

REMAND PRISONERS

1.10 Generally remand prisoners received an automatic maximum- or sometimes medium-security classification. Because high-security accommodation at EGRP was inadequate to meet the demand, prisoners facing a long period of remand were usually sent to Hakea Prison. However, it is possible to classify a number of remand prisoners as minimum-security, particularly if the charges are not overly serious and the prisoner is known to prison staff. Consequently, the holding of many remand prisoners in maximum-security with no access to programs, employment or education appeared unnecessary. On 6 February 2005 (the first day of the inspection) only two of the 20 prisoners held on remand at EGRP were classified as minimum-security. It was also noted that many remand prisoners had bail conditions that they were unable to meet, raising a question about the appropriateness of the bail conditions being set for these prisoners.

Recommendation 2

That:

- (a) remand prisoners should be subjected to an assessment and classified according to risk;
- (b) remand prisoners should have access to appropriate programs and services; and
- (c) the surety requirements for bail should be reviewed for their appropriateness to the Aboriginal offenders from the Goldfields region.

GRIEVANCES

1.11 A staff member from the Office of the Ombudsman accompanied the inspection team and reviewed the prison grievance system. Aboriginal prisoners generally did not have an awareness or understanding of the prison grievance system nor did they have the written communication skills necessary to utilise the system effectively. There were only five grievances recorded for the 12 months from 1 November 2003 to 1 November 2004 and all of these were 'withdrawn' or 'not resolved'. However, this low rate of grievance did not reflect the level of prisoner concerns. Prisoners who were interviewed by the Ombudsman's officer had much to say about problems at the prison.

1.12 The prison grievance system did not work for traditional Aboriginal people because:

- the information was in English and many traditional Aboriginal prisoners had insufficient grasp of English;
- the system required the submission of a written form, but many traditional Aboriginals had poor levels of functional literacy;
- group discussion and consensus was customarily used to resolve disputes in traditional Aboriginal communities;
- Aboriginal people often used 'go-betweens' to negotiate a resolution; and
- although using the peer support prisoners or unit meetings to air grievances would be culturally more acceptable, this did not seem to be happening.

1.13 The Office of the Ombudsman has recently released a draft report of its review of the prison grievance system.⁷ The draft report features a number of proposals that will go some way towards developing a culturally appropriate grievance system. When the final report is published by the Ombudsman, these proposals should be piloted and evaluated.

RECEPTION AND ORIENTATION

1.14 The reception process can be an unnerving and stressful experience for prisoners, and is a high-risk period for the prison. Prisoners may be angry, anxious, distracted, depressed or drug-affected. Consequently, prison reception processes must ensure these initial experiences are carefully managed and that the subsequent orientation processes effectively minimise stress, address immediate welfare concerns and assess signs of mental illness, self-harm or suicide.

1.15 Our observation of the reception processes at EGRP showed that they were of variable quality dependent on the experience of reception staff. Of particular concern was the practice of probationary staff making assessments of risk without adequate supervision. The reception area lacked adequate space and the cramped conditions seriously limited the opportunity for privacy; this was particularly concerning with regard to initial health assessments. There was only one full-time equivalent position allocated to reception but admissions also occurred outside the prison's normal working day. In periods of high demand, extra cover had to be found from other parts of the prison, which left those areas short-staffed. A review of 13 TOMS⁸ records indicated that procedures were followed in the majority of cases and all checklists were administered; however, none of the files reviewed had completed reception checklists.

1.16 Departmental policy stated that all prisoners were required to undergo an orientation process to 'clearly understand the rules and routines of the prison, their responsibilities, rights and obligations and where the facilities in their unit are located' (Standing Order 8). Many prisons have routinely used briefings from staff, peer support prisoners, videos and pamphlets to assist with the orientation of prisoners – processes that have been effective when used well. However, the reception processes undertaken at EGRP were not working well.

- Prisoners who were spoken to did not recall receiving any form of unit orientation beyond being told what they could not do.
- Peer support prisoners were not involved in the process at all and there did not appear to be a particular process to orientate first time or young prisoners.
- While some prisoners could recall seeing the EGRP orientation video they were confused by it because a reference to 'local orders' was interpreted as EGRP having different rules.

7 Ombudsman (WA), *Own Motion Investigation into the Department of Justice's Prisoner Grievance Process*, Draft Report (December 2005).

8 TOMS (Total Offender Management Solution) is the Department of Justice database that records all prisoner details.

CUSTODY

1.17 Most importantly, the reception and orientation process at EGRP failed to adequately account for language problems. The reception process did not appear to provide Aboriginal prisoners with a good understanding of what was going to happen to them. The inspection team was not satisfied that the prisoners were actively engaged in the whole process.

Recommendation 3

That the reception and orientation process be redesigned. This process needs to:

- involve Aboriginal prisoners in its development and design;
- involve peer support prisoners; and
- be subject to a comprehensive evaluation.

Chapter 2

CARE AND WELLBEING

DETERIORATING PHYSICAL INFRASTRUCTURE

- 2.1 The prison buildings were old, inadequate and poorly maintained. In the areas assigned to male prisoners the prison facilities were still well below an acceptable standard. The Inspector was prompted to say in his exit debrief that, ‘if a body such as the European Committee for the Prevention of Torture or the UN Special Rapporteur on Torture inspected Unit 1, they would condemn it’. That is not to suggest that “torture” takes place there; the names of these bodies are a little misleading. Each of these Committees is above all concerned with inhumane and degrading treatment and conditions of persons held in detention, and it is on that basis that Unit 1 would be condemned.
- 2.2 In focus groups conducted prior to the inspection, prisoners expressed concerns about the male accommodation units.⁹ Concerns verified during the inspection included:
- a lack hygiene and maintenance creating what could only be described as a ‘squalid’ environment in cells and facilities;¹⁰
 - up to seven prisoners accommodated in a cell designed for four prisoners;
 - no clean linen on prisoners’ mattresses;
 - shared toilet facilities in the cells, with only half doors or no doors to provide privacy;
 - no air-conditioning in the minimum-security unit;
 - poor quality exercise equipment in the male maximum-security accommodation;
 - shared shower facilities external to the cells with only transparent plastic shower curtains;
 - two water fountains for approximately 80 male minimum-security prisoners when locked in the accommodation unit;
 - no self-care units for prisoners; and
 - two telephones, in close proximity without any privacy, for use by the approximately 80 prisoners in the male minimum-security accommodation unit and one telephone for use by up to 38 prisoners in the male maximum-security accommodation unit.

OVERCROWDING

- 2.3 Overcrowding worsened the poor conditions of imprisonment and resulted in prisoners sleeping on mattresses on the floor. This practice left no room to move around and made cleaning difficult. Prisoners described hitting their heads against the counters that overhung the mattresses where they slept on the floor or being stepped on when other prisoners needed to move about the cell at night.
- 2.4 On our first inspection of the prison in 2001, there were 113 prisoners accommodated in a prison that had a standard bed capacity of 101. At this inspection (4 February 2005) there were 120 prisoners¹¹ and the prison had been similarly overcrowded during the months prior to the inspection.

9 OICS, ‘EGRP Prisoner Focus Group Analysis’ (January 2005).

10 A number of prisoners reported that the prison had been ‘cleaned up’ for the inspection.

11 According to the EGRP Superintendent (2005).

- 2.5 The male minimum-security accommodation had a capacity of 65 but averaged 78 prisoners, and peaked at 81 from July 2004 to January 2005. Less than two weeks before this inspection, the male maximum-security unit peaked at 38 prisoners, with a standard bed capacity of just 15. Average occupancy throughout January 2005 was 30.¹² To accommodate growing numbers of women prisoners, parts of the male accommodation had been converted into a women's area. This increased the capacity for women to 21 but of course had driven the overcrowding problem back into the remaining male accommodation areas.
- 2.6 Overcrowding resulted in up to seven prisoners being confined to one 'four-out' cell. In the overcrowded conditions up to fourteen prisoners shared one toilet in an eight person cell and six prisoners were required to sleep on mattresses on the floor. In such conditions the maintenance of clean and hygienic conditions had become almost impossible.

EFFECTS OF OVERCROWDING

- 2.7 Overcrowding had a number of specific negative effects:
- over 100 prisoners from the region were being housed in metropolitan prisons, causing difficulty in relation to family visits and creating dislocation and anomie for traditional Aboriginal prisoners;
 - limited bed capacity restricted the prison's capacity to accept prisoners from the region who were being held in the metropolitan prisons and who wanted to temporarily return to the prison for a visit or to serve out the last part of their sentence;
 - increased tensions among prisoners and staff potentially affected safety and security;¹³
 - inability to provide constructive activities to such a large number of prisoners;
 - inability to deliver programs and services to support re-entry to the community;
 - increased risk and incidences of self-harm, suicide and escape; and
 - four of the five multi-purpose (observation or punishment) cells were being routinely used to accommodate prisoners. This reduced the management options for non-compliant prisoners and prisoners at risk of self-harm, and potentially increased the attractiveness for management of selective transfers for these prisoners.

HYGIENE AND CLEANLINESS

- 2.8 Prior to the inspection, the Health Department had carried out a periodic environmental health review of the prison pursuant to s 40 of the *Prisons Act 1981* (WA). The findings included:
- the need for increased diligence in cleaning practices and personal hygiene of the accommodation units, ablution blocks and cell toilets;
 - the main kitchen was in a substandard condition of maintenance and repair;

12 Ibid.

13 The *Report of Inquiry into the Incident at Casuarina Prison on 25th December 1998*, (1999), found overcrowding to be a contributing factor to the 1998 Christmas day riots at Casuarina.

CARE AND WELLBEING

- a new small vegetable preparation area was installed that did not comply with Health Department Regulations;
- there were no change rooms and toilet facilities for staff and prisoners working in the kitchen;
- the transportable outdoor cool room was in need of urgent upgrading or replacement;
- the maximum-security cells were in a run down condition; and
- the prison's waste disposal area needed to be improved.

- 2.9 As hygiene and cleanliness are usually high on a superintendent's list of tasks prior to an inspection, we expected that many of these items would have dealt with prior to our visit. However, apart from the recently renovated women's section, which was clean and tidy, our findings generally supported the conclusions of the Environmental Health Review of the prison. The male areas of the prison were not clean or tidy, and overcrowding was clearly exacerbating the problem. Despite the apparent employment of a significant number of prisoners as unit cleaners, basic standards of cleanliness were not being met.
- 2.10 Prisoners complained that cells were infested with cockroaches and the inspection team confirmed that there were very heavy infestations in the prison. Dead cockroaches were also found in the bottom of the refrigerator in the minimum-security section. EGRP has previously had problems with cockroach infestation and fumigation had only limited success due to the age of the buildings, prisoners eating in the cells, poor food storage and poor cleaning practices.
- 2.11 The inspection found that arrangements for rubbish collection were also inadequate. Rubbish was penned into a cyclone mesh 'cage' until it could be taken to the tip. Staff and prisoners reported that rats, mice and lizards attacked the rubbish at night. Alternatives such as skip bins had been considered, but were unfunded. Food was left in the outside cold room for extended periods of time, and kitchen staff explained that they 'kept forgetting to take [it] to the tip'.
- 2.12 There was a clear need to assign a priority to cleanliness, hygiene and waste removal at the prison. Management should ensure that prisoners are closely supervised when cleaning all areas.

Recommendation 4

A comprehensive audit of the physical fabric of the prison is required in order to identify those items that require minor works, others that can be brought up to a functional standard by planned maintenance and the identification of the local resource implications for industrial cleaning and routine maintenance.

PRISONER/PRISONER RELATIONS

- 2.13 Prisoners reported that neither racism between Aboriginals and non-Aboriginals nor inter-tribal strife were issues at the prison because of a widespread agreement that outside issues would not be allowed to intrude into prison life. Aboriginal prisoners said white prisoners were often treated in a preferential way, but they blamed the system rather than any particular manager or officer for this perceived bias.

- 2.14 As previously mentioned, staff said they had a problem determining the extent of any bullying among Aboriginal prisoners as much Aboriginal interaction occurred in Aboriginal languages or in cultural ways not understood by non-Aboriginals.

PRISONER PERCEPTIONS OF STAFF-PRISONER RELATIONS

- 2.15 Focus group comments indicated that prisoners did not regard officers as racist so much as ignorant of cultural issues, particularly those officers who had less experience of working with Aboriginal prisoners. In the words of one prisoner: 'The officers are quite nice. They help as best they can. The gaol is a disgrace but that's not the officers' fault.'¹⁴ The focus group discussions identified some examples of cultural ignorance: the failure to identify prisoners who were elders or to consult with them; and the failure of some female officers to deal with male prisoners appropriately. These issues would appear to be capable of being addressed through cultural awareness training, which according to the staff survey results had not been offered at EGRP in the last two years.¹⁵ However, a number of prisoners believed that unit officers were not assisting them when they requested help and that they were often 'given the run around' by officers. (This issue is further explored later in this report under the heading 'Unit Management' in paragraphs 2.39 and 2.40.)

MINORITY ISSUES

- 2.16 Non-Aboriginal prisoners were very much in the minority. Although there was a perception among the non-Aboriginal prisoners that the Aboriginal prisoners receive better services, this was not substantiated by our findings. It was notable that some Aboriginal prisoners and some non-Aboriginal prisoners each held the perception that the other group received preferential treatment; however, this does not appear to be a problem as group meetings of prisoners reported generally positive relations between Aboriginal and non-Aboriginal prisoners.¹⁶ We tested these comments through our observations and interactions with prisoners, and concluded that generally good relations exist in this regard.

THE LACK OF A CONSTRUCTIVE DAY FOR PRISONERS

- 2.17 The failure of the prison to provide Aboriginals from more traditional communities with access to culturally appropriate activities mirrors the failure of the system as a whole to understand and provide a constructive day for such prisoners. This has been a recurring theme in many previous inspections of this and other prisons.
- 2.18 There were no programs running during the inspection and not enough work. These matters are dealt with in greater detail in later sections of the report.
- 2.19 Prisoners spent at least ten hours per day out of their cells. The cells in the male maximum-security unit were locked during parts of the day and many prisoners were observed sitting

14 Prisoner's comment, 6 February 2005.

15 OICS, 'Prison Officer Survey Analysis' (January 2005).

16 OICS, 'EGRP Prisoner Focus Group Analysis' (January 2005).

CARE AND WELLBEING

around the common room during those periods. There was little evidence of prisoners being encouraged to take part in work or recreation. Prisoners in two units (the maximum-security male unit and the female unit) were able to remain in their cells, but were not locked in. Almost all prisoners reported that unconstructive time out of cells was ‘long and boring’.

- 2.20 Although the level of interaction between staff and prisoners varied between units, there were many missed opportunities for better interaction in all parts of the prison. The practice of relying on prisoners to make an application or ask for assistance failed to take into account the language and cultural barriers faced by Aboriginal prisoners which resulted in Aboriginal prisoners avoiding situations where they might be ‘shamed’. It should be an acknowledged responsibility for officers (as the authority figures) to ensure that interactions were understood and supportive of Aboriginal prisoners.

FOOD AND KITCHEN

- 2.21 Food was an important issue for most prisoners. In the focus groups, the quality and type of food received mixed comments. There was a general agreement that the food had improved markedly with the employment of the new chef instructors. Prisoners reported that they had been getting good access to traditional foods but this had dropped back because their method of preparation had not complied with the Department of Health standards.¹⁷
- 2.22 A number of regional prisons have cooking pits, but their use is limited because of a lack of staff to supervise and concerns about hygiene. Some staff in EGRP said that they were reluctant to have cookouts as prisoners failed to clean up properly. Staff shortages also meant that staff were not available to supervise cookouts.
- 2.23 The kitchen had been repainted and upgraded with new equipment including four new ovens, a new vegetable preparation area, and a new office for kitchen staff. A Department of Health audit of the kitchen had identified a range of issues, most of which had been addressed. However, further upgrades to the vegetable preparation area and the outside cool room were still incomplete.
- 2.24 The cooking facilities in the women’s area had also been upgraded. There were plans for women to do more of their own cooking once Foodsafe training had been completed. At the time of the inspection there were 13 prisoners employed in the kitchen, two of whom were female. All but two of the kitchen workers were Aboriginal. Since the prison had attained Foodsafe accreditation 48 prisoners had completed the Foodsafe training, which is a basic requirement for commercial food handlers. In 2004, one of the prisoners completed Certificate 1 Training in Hospitality, and it was hoped that more prisoners would participate in TAFE courses. Overall, the performance of the kitchen was good and a positive reflection on the kitchen staff and workers.

¹⁷ The issue of prisoners being allowed to cook bush foods brought in by family is discussed in OICS, *Report of an Announced Inspection of Broome Regional Prison – May 2004*, Report No. 27 (March 2005). Currently, Department of Health regulations restrict the preparation and consumption of non-commercially prepared meat.

PRISON SHOP

2.25 There were few issues observed or reported in relation to the prison shop. The majority of prisoners had a low income, which was generally spent on telephone calls and items such as tobacco. However, prisoners did say that they would like to see greater choice, particularly with regard to tinned goods, Aboriginal newspapers and female toiletries.

VISITS

2.26 In spite of inadequate facilities, the visits at EGRP were done well, and it appeared that the prison went to great lengths to facilitate family visits. This is very much to be commended. In particular it was noted that:

- large numbers of visitors were permitted in single visits;¹⁸
- visiting times were flexible;
- most prisoners had visitors;
- the withdrawal of visits was only in rare circumstances and used as a 'loss of privilege';¹⁹
- strip-searches of visitors were in almost all cases targeted rather than random; and
- a policy was implemented just prior to the inspection to permit day-stays of young children in the women's unit.²⁰

2.27 Although the outside minimum-security visits area was pleasant and facilitated an appropriately relaxed and informal atmosphere, it was clearly unsuitable for visits in extreme weather (hot or cold).

2.28 The visiting facilities for maximum-security prisoners were found to be inadequate in a number of ways:

- the area was too small in relation to the prison population;
- there was inadequate CCTV coverage or staff supervision;
- it adjoined the sally port, and escorts of prisoners into and out of the prison held up entry and exit from the visiting area; and
- there were no crèche facilities for children.

2.29 Telephones continued to provide an important link between prisoners and their families.²¹ Local orders allowed for officer-initiated free calls for prisoners from remote communities.

18 On 6 February 2005, the first day of the current inspection, 80 visitors, including 24 children, were recorded as attending the prison.

19 The removal of social visits as a loss of privilege (LOP) is extremely rare and prison administration and officers consider social visits to be more a right than a privilege. Between the period 1 July 2004 and 4 February 2005, loss of privileges at EGRP consisted of:

- one loss of social telephone contact for seven days, notably with the privilege returned the day prior to Christmas Eve; and
- two instances of loss of contact visits, the first being for a five-day period and the second for a six-day period. This effectively equates to the loss of a maximum of two separate visits.

All other LOP related to loss of recreation, ranging from two days to around three weeks.

20 See 'Eastern Goldfields Child Visit Contract' form.

21 Between 1 July 2004 and 30 November 2004 prisoners at EGRP made 36,425 telephone calls (information provided by the Department of Justice).

This was a positive initiative that should be fully utilised. However, as previously mentioned, there were insufficient telephones in the prison for prisoners to use. At the time of the inspection, the 28 maximum-security male prisoners in Unit 1 had to share one telephone and 80 prisoners in the minimum-security area shared just two telephones. As a yardstick for metropolitan prisons, the Department has generally provided one telephone for every 15 prisoners. By these standards the women's accommodation area should have two telephones, the maximum-security area should have two and the minimum-security area should have five. Arguments over telephones appeared to be the primary reason for disputes between prisoners.

HEALTH SERVICES

- 2.30 In the report of the first inspection of EGRP the Inspector recommended that the practice of asking nurses to be involved in strip-searches should be stopped immediately. At the time of the second follow-up inspection we were assured that this practice had indeed stopped. However, during this inspection the medical consultant to the team was told that nurses, although not normally involved in strip-searches, might assist if no female officers were available. Although it has been some time since this occurred, there must be a clear policy directive that this practice is unacceptable in any circumstances.

Recommendation 5

There must be an absolute prohibition upon the involvement of nursing or other health services staff in strip-searches of prisoners or in other custodial duties.

- 2.31 Overall, the provision of health services had improved at EGRP. The nurse manager at the time of the inspection was a committed practitioner with a strong focus on the delivery of acute care. The health service ran some educational programs; for example, videos that dealt with breast cancer, diabetes and smoking were shown. There was limited health promotion information and only a small amount of literature available in the clinic. There was a long waiting list for the diabetes educator and dietician, and the clinic was hoping that the local health service would provide a diabetic nurse.
- 2.32 The following issues were identified during the inspection of the prison's health service:
- Some nursing positions were unfilled and as a consequence nurses were overworked. Doctors were present for two sessions per week but the nursing staff believed that this was inadequate. Although the Department had been able to secure services from the local Aboriginal Medical Service, there was a high turnover of doctors that reduced continuity of care.
 - There were two clinic facilities – the large central clinic that serviced the minimum-security prisoners and a satellite clinic that was housed within the maximum-security area. There were four locked gates and two locked doors between the two facilities; because these gates had to be unlocked by prison officers, nursing and medical staff had to wait, sometimes for considerable periods, for access. This matter had previously been drawn to the attention of management as constituting an unacceptable impingement upon the efficiency of nurses as well as their status within the prison workforce.

- Patient privacy was a problem because the medical records office was located directly next door to the main clinic and the nurse had no separate office.
- Specialist referrals did not appear to be a problem as they were usually organised through the Aboriginal Medical Service. The transport of patients to appointments appeared to occur in a timely fashion, facilitated by AIMS.
- Dental care was difficult to access. Patients had to travel to Boulder Clinic, although discussions were being held with the Centre for Rural and Remote Oral Health of the University of Western Australia with a view to establishing a service. Pathology tests were easily accessed.

2.33 Sixteen sets of medical case notes were reviewed. With the exception of one, all case notes contained inappropriate custodial information, such as details of offences and sentences. Doctors' annotations were found to be brief but informative and appropriate examinations and tests had been undertaken.

SUICIDE AND SELF-HARM RISK MANAGEMENT

- 2.34 EGRP had a low rate of self-harm and suicide. Prisoners that were identified as being at risk of suicide were placed on the At Risk Management System (ARMS) and had their risk managed via the Prisoner Risk Assessment Group (PRAG). The ARMS process assumed a whole-of-prison approach to suicide risk detection and management. Under Local Order B15, all prisoners under the age of 20 were automatically placed on low risk ARMS for at least six weeks. At the time of the inspection, all but one of the eight prisoners on ARMS were young prisoners.
- 2.35 The prison relied on staff and their knowledge of individual prisoners to identify at-risk prisoners. Coordination of risk management activity through PRAG occurred as required and involved the necessary key staff. However, at the time of the inspection the Prison Counselling Service position was vacant. The inspection team was impressed at the amount of information about individual prisoners the senior officers were able to bring to PRAG meetings.
- 2.36 A critical step in reducing prison self-harm incidents or suicides is effective staff training. EGRP had made good progress in this regard, and 77 per cent of staff reported that they had undertaken suicide prevention training in the last two years. Unfortunately, the lack of cultural awareness training during the last two years and a perception among prisoners that officers did not understand cultural issues meant that the suicide prevention training could not be employed at an optimal level, given that the prisoner population is overwhelmingly Aboriginal.
- 2.37 Participants in the community forum identified that mental health issues should have been dealt with from a cultural perspective and that the management of at-risk prisoners reflected a Western way of viewing risk. Western interpretations of mental health did not adequately acknowledge the Aboriginal holistic view of health or the importance of spiritual issues for Aboriginal emotional and physical wellbeing. In short, traditional Aboriginal people had very different interpretations of why someone was not feeling right and how they should be managed, and these views needed to be considered in the development of mental health

treatment and risk management plans. Aboriginal prisoners primarily sought support from family members and they therefore did not come to the attention of staff. However, to the extent that management became aware of Aboriginal mental and at-risk problems, they recognised this by placing at-risk prisoners in a shared cell with a family member.

- 2.38 Prisons do have the capacity to bring in traditional healers, although this is a rare occurrence. In a positive move, the Department had recently held a conference to discuss traditional methods for dealing with prisoners who had been ‘sung’.

UNIT MANAGEMENT

- 2.39 Although some unit officers saw their position as having both welfare and custodial components, others regarded their role as primarily related to custodial functions and considered that it was the role of the Prisoner Support Officer (PSO) to address prisoner welfare needs. This lack of consistency between the welfare role of unit officers and the PSO’s role required clarification. It has also been our observation in other ‘Aboriginal prisons’ (particularly Broome and Roebourne Regional Prisons) that there is a tendency for officers to handball welfare matters to the PSO, and we have observed that PSOs can become overwhelmed as a consequence.
- 2.40 The prison population in EGRP had increased greatly, but there had not been a matching increase in staff numbers. The recent influx of a large number of probationary officers had also meant that the skill and knowledge base of the custodial staff was reduced, at least until such time as newer staff gained more experience. As a result, the workload for senior officers and more experienced unit officers had increased; staff were feeling swamped by the volume of work and the demands of the overcrowded population. This resulted in many poor responses to prisoner requests. It was notable that both prisoner and staff focus groups reflected a level of frustration regarding their expectations of each other. Prisoners perceived some officers as being obstructive and giving them ‘the run around’ whereas officers perceived prisoners as having unrealistic expectations of what they could do for them.
- 2.41 Management must urgently address the concern by officers that they were being swamped by the demands of the chronically high prisoner population. Later in this report (in paragraphs 5.7 and 5.8) comment is made regarding the adequacy of the staffing review that has recommended that the custodial officer complement be increased from 51 to 66. When a full complement of prison officers is appointed some of these problems may be alleviated. However, the role confusion of some unit officers regarding responsibility for welfare must be clarified immediately.

Recommendation 6

Prison management should re-emphasise to general custodial staff that their responsibilities include a welfare component and that they should, within their capacity, try to deal with straightforward prisoner applications themselves rather than automatically referring the prisoner to the Prisoner Support Officer.

- 2.42 The achievement of appropriate staffing levels is bound up with this recommendation.

WOMEN

- 2.43 As discussed earlier, the renovations to the women's accommodation unit had improved conditions for female prisoners and were a vast improvement on conditions described in the first inspection report on EGRP where the term 'ghetto'²² was used. Compared to the rest of the prison, the women's unit had a pleasant aspect: light and newly painted surfaces, floor coverings, new ceiling fans in the cells,²³ a new pool table and kitchen facilities,²⁴ and a pleasant and well-maintained courtyard. The additional converted bed space had also helped to alleviate overcrowding.
- 2.44 In spite of the improvements in the physical environment, women still endured inequity in access to programs, recreation, and freedom of movement about the prison. Unlike the male areas of the prison that had discrete minimum- and maximum-security sections, all women prisoners were accommodated together, regardless of their security classification. This meant that the minimum-security prisoners had to live in maximum-security conditions and were subjected to a far more restrictive regime than was justified by their security rating. As stated in the 2002 report, this was not only bad custodial practice but it was inequitable compared to the men and also to minimum-security women in the metropolitan area. Ironically, women housed at Bandyup Women's Prison – the state's maximum-security women's facility – have more freedom of movement around their centre than the women at EGRP.
- 2.45 Staffing shortages also reduced the prison's capacity to deliver different regimes for the various security classifications. Unless there were more than 14 female prisoners (a fairly uncommon occurrence), only one officer would be rostered into the women's area. In the focus groups, female prisoners also complained that there were insufficient female officers and that consequently the allocated officer was often male. This was reported to have meant that sometimes women had to wait for a female officer to come on duty or otherwise ask a male officer for sanitary products, which was inappropriate.

Recommendation 7

That the adequacy of the number of female custodial officers be reviewed. In addition, the arrangements for the distribution of sanitary products also be reviewed with consideration given to them being provided on a self-serve basis, as is the case at Bandyup Women's Prison.

- 2.46 Indigenous issues and cultural practices, such as sexual jealousy, family violence and culturally inappropriate contacts between Aboriginal men and women, were often given as an excuse for the segregation and restrictions on women. This was at odds with reports from the women themselves, who said they enjoyed contact with their male friends and relatives. Mixing with males helped break the monotony and tension caused by a small group of women being forced to spend long periods locked together.²⁵

22 OICS, *Unannounced Inspection of Eastern Goldfields Regional Prison – August 2001*, Report No. 4 (November 2001) 29.

23 Although the fans (not being centrally located) were poorly placed according to the prisoners.

24 However, the women indicated they were only allowed to use these facilities under supervision and the lack of education officers meant that this occurred very rarely.

25 At Broome Regional Prison women are also able to mix with men on an even freer basis. Women feel safe as they rely on male relatives for protection and enjoy getting away from the tension of the women's unit.

- 2.47 It may well be the case that the prison has an obligation to provide an additional level of control and supervision of female minimum-security prisoners in a mixed facility to meet its duty of care. However, the outcome may still be discriminatory to the extent that minimum-security female prisoners are likely to be more restricted than male minimum-security prisoners. One female prisoner described the women's area at the EGRP as 'a gaol within a gaol'. Cultural issues needed to be taken into account if changes to the regime were to occur in an appropriate way. To achieve this, genuine consultation with the Aboriginal and non-Aboriginal female prisoners and the wider community needed to be undertaken.
- 2.48 The women's camp, which occurred in October 2004, was an outstanding re-entry initiative.²⁶ Five women prisoners attended under Section 94 provisions and this represented an excellent model for further development in due course.

ABORIGINAL PRISONERS

- 2.49 A primary objective for most Aboriginal prisoners was to remain in their own country and to retain links with family and community. For Aboriginal prisoners at EGRP the fear of being transferred to the metropolitan area was of enormous consequence, and although the officers and management of the prison were (to their credit) sensitive to this,²⁷ prisoners tended to be reluctant to raise complaints for fear of being transferred. There was a significant gap in non-Aboriginal understanding of how confronting and 'out of place' prisons were for many Aboriginal prisoners.
- 2.50 As already acknowledged, there were significant personal efforts by the staff and prisoners to ensure that inter-racial relations were generally positive. There was also evidence that effort was put into allowing as many prisoners as possible to remain close to their lands – an issue identified as 'by far the major concern of many of the prisoners ... both men and women'.²⁸

26 The Women's Camp is not a Departmental program. The prison's contribution was simply to enable women to attend.

27 The need for regional prisons to implement measures to ensure that prisoners are not selectively transferred because they raise complaints or are non-compliant is made earlier in this report in Chapter One under the heading: Discipline and Punishment.

28 OICS, 'EGRP Prisoner Focus Group Analysis' (January 2005).

Chapter 3

REHABILITATION

CASE MANAGEMENT

- 3.1 All prisoners with an effective sentence of greater than six months are required to have an Individual Management Plan²⁹ completed and a case manager assigned. Officers should be assigned to prisoners following a case conference involving the prisoner, case management officer, education manager, and operations manager. The case conference determines what prisoners are required to do throughout their sentences in order to successfully re-enter the community.
- 3.2 Interviews with prisoners at EGRP revealed that many did not know who their case manager was and indeed did not know what the interviewer was talking about when the question of case management was raised. Only a small number knew that they had a case manager and who that person was and only a few recalled having been present at a case conference.
- 3.3 Of the unit files that were checked (approximately 30 in total) the following matters became evident:
- There was very limited information relating to case management on the files.
 - Signed copies of case conference and evidence of regular contacts (including primary contact) were not on many of the files.
 - Ten files viewed had copies of other prisoners' notes in them.
 - Files were untidy and information was not in order or secured in the file.
- 3.4 The poor record keeping made it difficult to check what prisoners had been told about their sentence during case conferences. In fact, because many files lacked the signed copy of such meetings, it was hard to ascertain if the prisoner had been present at all. Overall it appeared that the case management process was not operating effectively in the prison, to the point of being in disarray.

Recommendation 8

Steps must be taken to reinvigorate the practice of case management at EGRP.

EDUCATION

- 3.5 Prisoners are meant to be able to access a range of education and vocational training programs. A consultant from the Department of Education and Training (DET), who assessed the educational activities on behalf of the Inspector, found that the programs available in the prison were not meeting the needs of the majority of prisoners.
- 3.6 The prison offered basic literacy and numeracy courses along with art classes. Sessions included self-paced learning modules and one-to-one training where applicable. Courses

²⁹ The Individual Management Plan (IMP) is an approved plan developed in consultation with the prisoner. The IMP spans the prisoner's sentence through to release. It identifies prisoner needs and contains recommendations for prison placements, security classification and courses that will assist the prisoner to live a pro-social life on release to the community. IMPs are developed for all prisoners with an effective sentence of greater than six months, or for those assessed as having a high level of need or at high risk of reoffending.

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ran only during periods equivalent to public school term time, and only art was available during the holidays. Other credited courses provided by external agencies included forklift operation, Foodsafe and MARCSTA (a basic training requirement for working in mines).³⁰ Maximum-security prisoners had very little access to education services.

- 3.7 Only a few traineeships were offered at the prison: most prisoners had short sentences and traineeships usually last between 12 and 18 months. At the time of the inspection two traineeships were being undertaken, one in the kitchen and the other at St Mary's recycling centre.
- 3.8 Prisoners generally were paid a Level 3 gratuity while studying. There was one non-Indigenous student receiving Level 1 pay because she was undertaking first-year nursing studies through a university. It was notable that prisoners often viewed education in a different light if their studies enabled access to higher levels of gratuity payments.
- 3.9 Service delivery was affected by several factors:
- Cultural protocols needed to be established to ensure that all prisoners, especially older traditional men, were treated with appropriate respect.
 - The majority of educational/tutorial staff members were female and none of them spoke the local Aboriginal languages.³¹
 - Although good quality training services were offered in the industries section, space was inadequate for training purposes and limited the vocational training able to be offered and the number of prisoners able to work there at any one time. The horticultural section in the prison could have been used more fully.
 - Funding remained inadequate and restricted education/VET services.
- 3.10 Importantly, both male and female prisoners said that the education/VET provided was generally irrelevant to their needs and very limited in scope. Because the choice of subjects was limited, prisoners were not interested in attending education. Both men and women requested courses about real-life problems such as understanding fine enforcement, how Centrelink worked and getting a drivers licence. They also requested practical courses that would help them find work when they returned to their communities.
- 3.11 The DET consultant also recommended that prisoners be given access to IMPARJA, an Indigenous television station operating from Alice Springs. By utilising this medium, many Indigenous prisoners would have the opportunity to view programs provided in their own language as well as the opportunity to learn English indirectly. Many Indigenous programs have English sub-titles enabling word correlation.

30 Prior to the restrictions on Section 94, prisoners also did Basic First Aid Certificates at St John of God.

31 However, the Assistant Education Officer (AEO) moved more easily between the language barriers, as she was a Noongar woman with 19 years' experience living and working in the Goldfields. In addition, despite the cultural barriers confronting a woman teaching Aboriginal men, she was respected by most of the traditional Aboriginal prisoners.

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Recommendation 9

- Education courses should be developed that are directly related to the life skills required by prisoners upon release.
- Courses should also be provided that develop an understanding of relevant government systems and processes.
- Additionally, consideration should be given to providing access to the broadcasts of the Indigenous television station IMPARJA

RECREATION/STRUCTURED ACTIVITIES

- 3.12 The recreation program was lacking in variety and not adequately supported or resourced. A similar finding had been made in the previous inspections.
- 3.13 Access to recreation continued to be adversely affected by staff shortages, with the Recreation Officer often being used to perform other custodial work. Staff shortages directly restricted access to the oval, the main source of active recreation. The oval itself was in poor condition, with prickles and an uneven surface. Although there was a large public oval directly across the road from the prison, this could no longer be used except on weekends because of Section 94 restrictions. Activities on the prison oval were dominated by male-focused sports such as football, soccer and rugby, which limited female participation. Only softball held some appeal for the women, and a game involving men and women was played during the inspection.
- 3.14 Women prisoners complained to the inspection team that they did not get access to the oval every day, and they requested that the quadrangle area next to the women's section be rehabilitated to provide an alternative recreation area for women. In the staff survey, 50 per cent responded that they felt that recreation for women was inadequate compared to 30 per cent for men. Women prisoners also complained of boredom, saying that they did 'little kids' work'. We did observe some women undertaking children's activities, such as colouring-in, to pass the time; however, it is noted that for some of the women who have impaired functioning, such activities were appropriate and even a source of pride. Nonetheless, for many of the women prisoners the lack of relevant work opportunities was a matter of real concern.
- 3.15 There were few passive activities in the prison, and boredom was a widespread problem among prisoners. The library facilities were inadequate and there was little material that was appealing to the prisoner population. The maximum-security 'library' simply consisted of a shelf with a few torn books. There had been no improvement in this regard since the August 2001 inspection. The prison needs to upgrade the library facilities to provide a range of interesting and appropriate resources including videos, magazines, board games, music and the like.
- 3.16 There was no common activity room in the minimum-security section, and men complained that they were worse off than the women who at least had exercise equipment, a karaoke machine, air-conditioning, and tea and coffee facilities.

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- 3.17 On the occasions when the maximum- or medium-security prisoners were granted access to the oval, they were mechanically restrained while there. Apart from being demeaning, this also precluded any participation in games.
- 3.18 A new boxing bag had been installed in the maximum-security male section, and there was access to table tennis, darts and basketball. The exercise equipment was in an enclosed indoor exercise area that was extremely hot in summer and therefore not fully used. The traditional Aboriginal men complained that there few ways for the men to work off their frustration, so this built up. Hobby art would have assisted but this was not available. The traditional men stated that they were not allowed to paint in their cell or unit, so that if they wanted to paint they had to go to the school. The majority of them already knew how to paint and did not need to go to school to learn; indeed, they felt some shame attached to attending school for the purpose of painting. They felt strongly about this, and said 'painting is our culture ... taking painting away is like taking our culture'.³²
- 3.19 As noted earlier in this report, deficiencies in the security of the male maximum-security yard resulted in a reduction in prisoner access to the yard and thereby reduced the opportunities for outdoor recreation. A perfectly good resource was thus very limited in its use.
- 3.20 The Inspectorate concluded that prisoner awareness of, and access to, the limited recreational opportunities at EGRP would be improved by the simple practice of posting a schedule of the times, venues, and activities available in each unit.

Recommendation 10

That EGRP management make available hobby art materials for prisoners and promote the opportunities for accessing such materials along with other recreational activities.

PROGRAMS

- 3.21 At the time of the inspection, programs were not being run at the prison. This was due to a lack of programs staff, and reflected a system-wide problem whereby the Programs Branch failed to attract and retain qualified and suitable staff, particularly in the regions. The unavailability of programs meant that prisoners had to be transferred to metropolitan prisons both for program assessment and to undertake programs. As noted earlier in this report, prisoners feared being transferred 'out of country' and consequently a number of prisoners expressed anger at transfers for programs and assessment. Prisoners cited examples where they had been sent to Perth or another prison for assessment, had been returned to EGRP, and were awaiting transfer again to Perth (or another prison) to undertake a program.
- 3.22 The second follow-up inspection of EGRP in February 2002 discussed the need to develop culturally appropriate programs that reflected the needs and values of the target population. The current inspection found that the situation was essentially unchanged. Prisoners were unable to explain the purpose of programs they were required to complete, and some

32 Prisoners are able to buy art supplies but many cannot afford this because their limited income is spent on phone calls and cigarettes.

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reported having completed similar programs in the past and considered them ‘useless’. Two prisoners had recently been ready to transfer (to Casuarina and Wooroloo respectively) for programs, but these moves had been cancelled at the last minute due to their unsuitable classification and profile for the receiving prisons. Consequently, both had failed to fulfil their program requirements, affecting their eligibility for early release on parole.

- 3.23 The lack of programs for women was even more marked. The explanation put forward by the Department was the impracticality of running programs for small prisoner numbers. However, during 2004 there had been three Indigenous Men Managing Anger and Substance Use (IMMASU) programs for men (total of 28 participants, five did not complete). In addition, the (non-Indigenous) Men Managing Anger and Substance Use (MASU) program for men had been run twice at EGRP in 2004, with a total of four men completing the program.
- 3.24 The shortcomings of the Programs Branch have been discussed in many of the previous inspection reports. Nowhere was the inadequacy more acute than in the regional ‘Aboriginal’ prisons such as EGRP. Whilst it is well understood that there are substantial difficulties in recruiting and retaining staff in the regions, particularly at a time of general labour shortage, it is difficult to see how program delivery at a local level could make any progress without significant changes at the departmental level. This particularly refers to hiring practices, incentive payments and working conditions. A substantial review of program availability and accessibility is required in order to ensure that prisoners in regional prisons have access to the full range of programs.

Recommendation 11

That the Department ensure that prisoners in regional locations have access to the full range of programs available to prisoners in metropolitan prisons and that such programs are reviewed for cultural sensitivity and appropriateness.

RELEASE/RE-ENTRY ISSUES

- 3.25 Prisoners experienced problems with getting back to communities. Under Policy Directive 37,³³ the superintendent has the choice of providing transport or fares to a prisoner’s home, usual place of residence (within the state) or to the place of arrest. In the Eastern Goldfields, prisoners were most often released back to the place of arrest, so that many found themselves far from home, with no means to get there. The situation was made worse by a lack of short-term accommodation in Kalgoorlie. When released onto the streets of Kalgoorlie, many drifted to the Boulder Camp, relapsed to alcohol use, and were soon rearrested. During the inspection, a woman who had been released in the morning was rearrested later that afternoon.

Recommendation 12

Release arrangements should be such that the prisoner is enabled to get back to his or her home where this differs from his place of arrest.

33 Policy Directive 37 – Discharge of a Prisoner. Operative from November 2003

REHABILITATION

- 3.26 To qualify for parole a prisoner must demonstrate that they have suitable accommodation on release, but there is an acute lack of accessible housing in the region. Homelessness is an enormous obstacle to the objectives of re-entry and creates numerous hurdles for prisoners seeking to avoid offending or attempting to reintegrate into a socially acceptable lifestyle.³⁴ The lack of accommodation (at the time of the inspection just seven days' accommodation was available at the refuge for women and nothing available for men) was highlighted as a key issue during the community forum conducted as part of the inspection process.
- 3.27 A highly positive initiative by the Department in relation to re-entry had been the (statewide) \$2.24m community re-entry for prisoners program launched in 2003.³⁵ Kalgoorlie Centrecare had recently won the contract to provide re-entry services at EGRP, and statistics indicated a good uptake of the service with 30 of the 49 the participants up until the December 2004 being from 'the lands and communities'. Along with housing, employment and support, the re-entry officer was also responsible for arranging transport back to the community. Subsequent to the inspection during the period in which this report was being published, we were pleased to further note that the Department has appointed Centrecare under the Transitional Accommodation Program to provide further support services to released prisoners and their families in three by three-bedroom houses in Kalgoorlie for periods of up to six months.
- 3.28 The Inspectorate acknowledges that these programs jointly represent significant advances in post-release support to prisoners and look forward to the establishment of some short-stay accommodation for male prisoners to complement these services.
- 3.29 There seemed to be limited understanding by many prisoners as to what 're-entry' meant and how it would be achieved. In the course of focus group discussions, traditional men reported that they were unaware of any release preparation occurring. They were aware that some community agencies had contacted the prison on what appeared to them to be an ad hoc basis,³⁶ but the prisoners were not able to demonstrate an understanding of the different roles and agencies involved in their custodial management and release. They expressed a desire for work release as part of their re-entry to their communities and access to supportive accommodation in transitioning back to their communities. Clearly, the efforts to assist in the re-entry process need to be better communicated to, and understood by, the target population. On balance, however, the inspectorate was convinced that reasonable efforts were being made under the existing arrangements.

34 State Homelessness Taskforce, *Addressing Homelessness In Western Australia* (31 January 2002) 57.

35 Department of Justice, 'Community Re-entry for Prisoners Program', <www.justice.wa.gov.au>. The program aims to support offenders who are released without parole to re-establish themselves in the community. Prisoners released on parole do not fall within the terms of the re-entry programs and are the responsibility of the Community Justice Services division of the Department of Justice.

36 Prisoners made reference to visits from Centrelink, Bega, Centrecare, and church groups.

PHOTOS OF EASTERN GOLDFIELDS REGIONAL PRISON



The central yard for the women's section.



A standard female accommodation cell.



The central yard for the male minimum security unit.



The Education Centre.

PHOTOS OF EASTERN GOLDFIELDS REGIONAL PRISON



The recently renovated Health Centre.



One of two indoor recreation areas in Unit 1.



Due to overcrowding in Unit 1, prisoners slept on the floor as in this cell, designed for two prisoners but accommodating four.



A standard male accommodation cell.

Chapter 4

REPARATION

WORK

- 4.1 At the time of the previous inspection in 2002, it was noted that work opportunities had increased and most prisoners were actively and purposefully occupied. Increases had also been noted in Section 94 opportunities, with a number of work locations and vocational training opportunities available, although deficits were noticeable in the availability of work and Section 94 employment for women.
- 4.2 A backlash from the controversy about a Section 94 gun safety training program had resulted in restrictions to Section 94 programs at all prisons, and this had a big impact on work availability and recreation options at EGRP. As with other regional prisons such as Broome,³⁷ it is the inadequacy of the in-prison facilities that makes Section 94 opportunities crucial to providing adequate employment options. An employment profile for 1 November 2003 to 1 November 2004 showed that during that time 24 per cent of prisoners were unemployed. A further 46 per cent were engaged in unit work parties. Yet, the lack of cleanliness in the prison suggested that unit work was not sufficiently supervised.

WORK FOR WOMEN

- 4.3 The main work activities available for both the men and women were as unit cleaners and gardeners. Although it initially appeared that women had even less work opportunities than men, proportionately at least, women fared better. There was also some limited Section 94 work available for the women at St Vincent de Paul's and at a veterinary surgery. Ten women had access to workshops during the previous year. The Industries Officer said that he would welcome more women attending the industries area, but more supervision would be required. At the time of the inspection the women were all proposing to undertake Foodsafe training in preparation for cooking for themselves in the unit.

WORK IN MAXIMUM-SECURITY

- 4.4 Work for male maximum-security prisoners in Unit 1 was limited to work around the unit and some grounds work. The Industries Officer spoke of ideas to introduce some low level work into this section to keep prisoners busy. Other staff reported that they had suggested converting one exercise area into a mini-workshop to do light maintenance. This appeared to be a suggestion worthy of further exploration.

OLDER TRADITIONAL MEN

- 4.5 The older traditional men participating in the focus group felt that because of their age they should not have to work. They felt that it was the young men who should work and the old men who should 'think'.³⁸ Consultation should be undertaken with the older traditional men to determine how they can appropriately participate in a structured day at the prison.

37 Only minimum-security prisoners are eligible to participate in these programs.

38 Older men have a place of respect within traditional communities and would not be expected to work.

EQUITY IN WORK

- 4.6 The minimum-security male prisoners complained that there was not enough employment and that the gratuity for 'sitting down' was not enough for their needs. Some of the Aboriginal prisoners expressed the view that the gratuity and employment profile for the prison was racially biased and that non-Aboriginal prisoners got the best and highest paying jobs. It was observed by the inspection team that of the eight non-Aboriginal minimum-security prisoners interviewed, five worked in the industries area, one was on gardens and one in the kitchen. The five in industries were on Level 1 gratuity. Of the 15 workers in the workshop, 10 were Aboriginal. Of those on Level 1, only two were Aboriginal. Workshop staff said that they could offer at least five more positions if there was work available. The preference for non-Aboriginal workers usually reflected the level of pre-existing skills prisoners brought to the work place. The view of the Inspectorate was that on balance the distribution of work opportunities did not reflect attitudinal discrimination. However, EGRP like all 'Aboriginal prisons' should actively consider how it can structure its work opportunities so as to enhance the skilling opportunities for prisoners who do not have relevant pre-existing skills when they enter the prison.
- 4.7 In this regard, it was gratifying that at the time of the inspection negotiations were at an advanced stage to open a new work camp at Mount Morgans, in the Laverton Shire. This subsequently has happened, and the early indications are that it is going well, offering work and skilling opportunities to Aboriginal prisoners.
- 4.8 The prison management acknowledged 'there was not enough for prisoners to do'. They had developed a prison industries action plan that, while limited, included some positive initiatives such as a proposal for the prison to become self-sufficient in salad vegetables.³⁹ A proposal for the prison to develop a capacity to undertake commercial laundry contracts had been discussed but had not been developed. Although new industries would doubtless have had resource implications, it was not acceptable to delay development until a new prison is built.

Recommendation 13

- The Department and EGRP management should continue to support the Mount Morgans Work Camp initiative.
- The EGRP Prison Industries Action Plan should be actively pursued.

39 Department of Justice, *Eastern Goldfields Regional Prison, Prison Industries Action Plan 2004–05* (undated).

Chapter 5

SYSTEMS MANAGEMENT

PLANNING

- 5.1 The Eastern Goldfields Business Plan 2004–2005 identified the following issues as relevant to the management of the prison population from the Eastern Goldfields:
- the high number of prisoners (over 100) from the Goldfields being accommodated in metropolitan prisons;
 - a significant increase in the number of female prisoners and the inadequacy of the current bed capacity; and
 - a significant increase in the number of male medium- and maximum-security prisoners and the inadequacy of the current bed capacity.
- 5.2 The appointment of a second magistrate in the region and the introduction of a permanent police presence at Warburton could further increase demand for prison beds in the region.
- 5.3 Although management appropriately identified and acknowledged the challenges involved in managing prisoners in the Goldfields, they did not appear to have developed planning models that adequately accounted for these challenges. This lack of effective planning reduced the ability of the prison management to substantiate the need for any additional or specialist human resources, and develop adequate physical infrastructure.

FINANCIAL MANAGEMENT

- 5.4 The Superintendent's presentation on the first day of the inspection advised that the prison had a budget of \$4.1 million. The budget forecast was that the prison would have an over-run of \$317,000, primarily related to overcrowding.
- 5.5 The prison supplied a copy of the year-to-date financial report to December 2004. An assessment of this report showed that the prison's capacity to manage any new initiatives or cater for increased demands was virtually non-existent. The prison had already consumed 60 per cent of the allocated budget in half the budget period (July to December). The effects of overcrowding were evident in the highly elevated cost of prisoner clothing and footwear (expenditure was already almost four times the allocated budget), prisoner toiletries (73% of the allocated budget), prisoner telephone call expenses (85% of the allocated budget) and the kitchen supplies (79% of the allocated budget). On the other hand some items were relatively under-expended, for example prisoner gratuities were at 45 per cent of the allocated budget and library purchases were at 36 per cent of the allocated budget.
- 5.6 In summary, it was apparent that the business planning for the prison had failed to adequately assess the service needs of the prison, and consequently the prison was insufficiently resourced to meet demand.

UNDERSTAFFING

- 5.7 In July 2004, the Department of Justice established a team to undertake a review of prison staffing.⁴⁰ The review noted that there would be an increase in staff at EGRP from 51 to 66.⁴¹ Even for the design capacity of 100 prisoners, staffing levels at the time of the inspection were inadequate; with a population of 120 or more, they were dangerously low. EGRP accommodates prisoners of every category – men and women, sentenced and unsentenced, minimum-, medium- and maximum-security classifications. In 2002–2003 the number of prisoner receptions was second only to Hakea Prison, the principal remand/reception prison for the metropolitan area.⁴² The prison also suffered from a high level of uniformed staff absences and vacancies, which the Superintendent calculated at 18 per cent.⁴³ According to staff, this resulted in high levels of overtime, stress and ‘burn-out’.
- 5.8 In the view of the Inspectorate, while an increase of staff to 66 would be beneficial to the operations of the prison, even that number would be a little light to enable services to be provided equivalent to those in a well-functioning metropolitan prison. Whatever the designated number, however, a problem is the ability to fill positions. The question of Regional Incentive Allowances has often been raised as being an essential prerequisite to full employment at the state’s regional prisons, particularly those situated in the high-pay mining areas, but the Department’s responses have been inadequate. Until this matter is effectively addressed, staffing issues are likely to remain critical.

HUMAN RESOURCE MANAGEMENT

- 5.9 The inspection team met with various groups of staff, including shift prison officers, vocational support (industrial prison officers), senior prison officers and a representative from the administrative support group. Meetings were also held with education officers, the peer support officer and health staff. (The important position with the prison counselling service was unfilled at the time of the inspection.)
- 5.10 Staff also had the opportunity to complete a survey. Twenty staff (62% of the surveys issued) responded. Analysis of the staff surveys indicated that approximately 75 per cent were reasonably satisfied with management; however, a small number of longer serving officers were markedly dissatisfied. Their comments included failure by management to consult with staff, and they questioned the quality of the leadership and the skills of management. The negative views of this small group could be attributed in part to a resistance to change. The recent influx of newly recruited custodial staff, while posing a short-term risk as they came to grips with the culture and needs of the prison, on balance seemed to offer an excellent

40 On 22 July 2004 Commissioner Beech (Industrial Relations Commission) ordered that there should be a staffing review. The origins go back to 2002 prison officer (day) strike over questions of staff shortages and safety.

41 Information supplied by the EGRP superintendent (2005).

42 Department of Justice, ‘Draft Annual Statistical Report Adult Custodial Period 01 July 2002 to 30 June 2003’ (undated) 4.

43 Ibid. Prison data indicated that the prison had operated with a staffing shortfall of 18 per cent in 2004.

SYSTEMS MANAGEMENT

opportunity for management to begin to lift the morale of the workforce. The Inspector, in his exit debrief, also referred to:

- the need to have high level Aboriginal input into management;
- emerging fatigue brought about by excessive reliance on overtime shifts; and
- the need to commence a change management strategy to develop and establish a sustainable staff plan.

5.11 In essence, it appeared that management had yet to fully articulate the scope of the prison's service requirements, and consequently many functions were under-resourced and under-serviced. This resulted in the staff roles being unclear and ineffective service integration. Training and in-service development were at a minimum, and a formal performance management system had yet to be implemented. As with many other prisons, staff facilities were below an acceptable standard: airless offices, computers balanced on telephone directories, sub-standard toilet facilities within the working units, non-ergonomic office chairs, and so on.

ABORIGINAL EMPLOYEES

5.12 At the conclusion of the previous inspection of EGRP, the Inspector commented on the need for improved Aboriginal staffing, in particular in management positions. Since then the number of Aboriginal staff has increased to four, still well short of what is required or is expressed in targets. The Department needs to make a seismic shift in what it considers to be an appropriate staffing profile in 'Aboriginal prisons'.

STAFF TRAINING

5.13 All staff that responded to the survey reported that they had received at least some training, with an average of four training events attended in the previous two years. In comparison with other regional prisons this was good and confirmed head office's statement that training for EGRP staff had been improved. The percentage of prison officers attending training was:

- suicide prevention 'gatekeeper' program – 77%;
- cardiopulmonary resuscitation (CPR) – 69%;
- the use of restraints – 67%;
- occupational health and safety (OH&S) – 43%; and
- the use of breathing apparatus (BA) – 12%.

5.14 The low level of training for the use of BA (12%) was a concern considering the high number of cell fires at EGRP and the inadequacy of fire response protocols. As in many other prisons, a pronounced deficit was also found in cultural awareness training at EGRP. No officer respondent had undertaken cultural awareness training in the past two years. Interestingly, 80 per cent of the same group of respondents felt that they had sufficient confidence in their skills and knowledge of Aboriginal culture. This may reflect a high level of local knowledge and

experience; however, the officers' perceptions were at odds with reports from prisoner focus groups. Most prisoners felt that although the majority of staff were 'OK' and not 'racist', they were ignorant of cultural ways. This was particularly true for the newer staff and female staff who could behave in a culturally inappropriate way particularly in their dealings with elders.

COMMUNITY CONSULTATION

- 5.15 Our own community consultation indicated that the prison's consultation and collaboration with the community were inadequate and ineffective, and this view was strengthened by the lack of a Community Reference Group for the prison.
- 5.16 When consultation and collaboration between the prison and the community previously occurred, the outcome was positive for all concerned; the women's camp was an example of this. Improving the linkages with the community, particularly those elements that are supportive of the prison (such as St Mary's which currently uses prisoners under Section 94 release) should be re-commenced as a priority.
- 5.17 At the time of the inspection, negotiations were under way for the opening of a work camp at a disused mining campsite, Mount Morgans, in the Laverton area. The Superintendent and relevant head office staff were actively consulting with leaders from the local shire council. Subsequently, this work camp has been commissioned. Follow-up visits by members of the Office of the Inspector have indicated that this is becoming a positive addition to the custodial management alternatives in the Eastern Goldfields region. This is very much to be welcomed, and certainly highlights the fact that outreach into the community and the fostering of community support for prison activities can be positive and rewarding. In this regard, it should be emphasised that this value should not simply encompass business leaders or local government people but also peak and community Aboriginal groups.

Recommendation 14

That the Department continue to develop initiatives aimed at redressing the current inequitable Aboriginal staffing levels. As a medium term goal, initiatives to build capacity in staffing of ancillary services and management should be explored.

Recommendation 15

That a Community Reference Group be established to develop community links. This Reference Group should include, inter alia, representatives of local businesses, the local shire, relevant NGOs and Aboriginal peak groups.

Chapter 6

RECOMMENDATIONS

RECOMMENDATION 1

That the Department conduct a full security and emergency procedures audit of the prison with regard to infrastructure and equipment needs, processes, and staffing requirements. Particular account should be taken of the nine matters raised in paragraph 1.4. of this Report.

RECOMMENDATION 2

That:

- (a) remand prisoners should be subjected to an assessment and classified according to risk;
- (b) remand prisoners should have access to appropriate programs and services; and
- (c) the surety requirements for bail should be reviewed for their appropriateness to the Aboriginal offenders from the Goldfields region.

RECOMMENDATION 3

That the reception and orientation process be redesigned. This process needs to:

- involve Aboriginal prisoners in its development and design;
- involve peer support prisoners; and
- be subject to a comprehensive evaluation.

RECOMMENDATION 4

A comprehensive audit of the physical fabric of the prison is required in order to identify those items that require minor works, others that can be brought up to a functional standard by planned maintenance and the identification of the local resource implications for industrial cleaning and routine maintenance.

RECOMMENDATION 5

There must be an absolute prohibition upon the involvement of nursing or other health services staff in strip-searches of prisoners or in other custodial duties.

RECOMMENDATION 6

Prison management should re-emphasise to general custodial staff that their responsibilities include a welfare component and that they should, within their capacity, try to deal with straightforward prisoner applications themselves rather than automatically referring the prisoner to the Prisoner Support Officer.

RECOMMENDATION 7

That the adequacy of the number of female custodial officers be reviewed. In addition, the arrangements for the distribution of sanitary products also be reviewed with consideration given to them being provided on a self-serve basis, as is the case at Bandyup Women's Prison.

RECOMMENDATIONS

RECOMMENDATION 8

Steps must be taken to reinvigorate the practice of case management at EGRP.

RECOMMENDATION 9

- Education courses should be developed that are directly related to the life skills required by prisoners upon release.
- Courses should also be provided that develop an understanding of relevant government systems and processes.
- Additionally, consideration should be given to providing access to the broadcasts of the Indigenous television station IMPARJA

RECOMMENDATION 10

That EGRP management make available hobby art materials for prisoners and promote the opportunities for accessing such materials along with other recreational activities.

RECOMMENDATION 11

That the Department ensure that prisoners in regional locations have access to the full range of programs available to prisoners in metropolitan prisons and that such programs are reviewed for cultural sensitivity and appropriateness.

RECOMMENDATION 12

Release arrangements should be such that the prisoner is enabled to get back to his home where this differs from his place of arrest.

RECOMMENDATION 13

- The Department and EGRP management should continue to support the Mount Morgans Work Camp initiative.
- The EGRP Prison Industries Action Plan should be actively pursued.

RECOMMENDATION 14

That the Department continue to develop initiatives aimed at redressing the current inequitable Aboriginal staffing levels. As a medium term goal, initiatives to build capacity in staffing of ancillary services and management should be explored.

RECOMMENDATION 15

That a Community Reference Group be established to develop community links. This Reference Group should include, inter alia, representatives of local businesses, the local shire, relevant NGOs and Aboriginal peak groups.

Appendix 1

METHODOLOGY

In addition to the Inspector and the inspection team, expert advisors representing the Department of Health, the Office of Aboriginal Health, the Department of Education and Training and the Office of the Ombudsman accompanied the inspection team and provided written reports on their findings.

The methodology for this inspection involved pre-inspection analysis of relevant operational and background documentation, focus group discussions with prisoners⁴⁴ and staff, the observation and inspection of custodial operations and services, and consultation with prisoners, staff and management. At the conclusion of the on-site inspection a comprehensive verbal overview (exit debrief) was given to prison staff. In recognition of the different needs of the largely Aboriginal prisoner population, Mr Frank Martin and Ms Kym Russell⁴⁵ were employed to facilitate the inspection team's interactions with the prisoners and to participate as facilitators in prisoner focus groups. Ms Russell also provided a presentation on the regional cultural issues. This helped the team to carry out their duties in a culturally appropriate manner. This was a new initiative that proved very successful, and the team would like to thank Ms Russell and Mr Martin for their valued contribution.

EQUITY, ACCESS AND APPROPRIATENESS

The conceptual framework adopted by the inspection team was congruent with Commonwealth Government standards that require services delivered to Aboriginal people, whatever the setting, to be equitable, accessible and appropriate. As such in its examination of the adequacy of services at EGRP the inspection team focused on the following questions:

- Is there *equity* in the services for the different classes of prisoner in EGRP?
- Is there *equity* in the service delivery at EGRP compared to metropolitan prisons?
- Do prisoners have *access* to the services, programs, education, employment health services?
- Are these services *appropriate* for the Aboriginal population of the prison?

44 The Office placed greater emphasis on gathering information from individual prisoners than it had in previous inspections. The use of semi-structured individual interviews allowed the inspection team to gain a depth of detail not previously attained and was appropriate to a range of specific questions that did not lend themselves to questionnaires or group discussions. The use of multiple interviews also allowed for considerable triangulation and confirmation of issues.

45 Respected Aboriginal people from the local community.

Appendix 2

SNAPSHOT OF THE EASTERN GOLDFIELDS REGIONAL PRISON

The Eastern Goldfields Regional Prison (EGRP) replaced the old Kalgoorlie Regional Prison in December 1980. It manages both male and female prisoners and services courts and lock ups throughout the Goldfields region. It is officially rated as a minimum-security prison although it has a capacity to hold remand, maximum and medium-security prisoners, on a short-term basis. The majority of prisoners are Aboriginal with a significant proportion from remote communities, where traditional languages and traditional lifestyles predominate.

Most prisoners are serving short sentences. At the time of the inspection, 15 prisoners (12 males and three females) were serving a period of imprisonment for fine default⁴⁶ while for 44 prisoners (39 males and five females) the most serious charge was a traffic offence. This group of fine defaulters and traffic offenders comprised 42 per cent of the prison population. However, 40 prisoners were serving prison sentences for violent offences, 20 for theft, two for drugs and one for sex offences. Nineteen prisoners were remanded in custody for trial or sentencing.

46 Figures supplied by EGRP as part of the inspection presentation by the Superintendent. In cases where prisoners have multiple charges the head sentence charge is used.

Appendix 3

CONTRIBUTING FACTORS TO HIGH RATES OF IMPRISONMENT

Much Aboriginal offending is underpinned by complex determinants such as poverty, unemployment, homelessness, poor education, poor health outcomes and alcohol or other substance abuse. The failure to address these factors in a holistic sense has contributed to the continued high rate of Aboriginal offending. The high rate of Aboriginal imprisonment is also a response to changes in legislation and policy which have had unintended consequences for Aboriginal people.

FAILURE TO PAY FINES

A large number of Aboriginal prisoners are imprisoned because they have failed to pay fines or for driving offences. In many cases imprisonment was a disproportionate punishment for the offence that was originally committed.⁴⁷ However, a similar pattern was evident of Aboriginal offending across Western Australia. In 2003, 65 per cent of the 720 prisoners that were serving time for fine default in Western Australian prisons were Aboriginal.⁴⁸ Although poverty plays a significant role, there is also a lack of somewhere to pay fine instalments for people from remote communities. In addition, many Aboriginal people living a traditional lifestyle do not routinely check mailboxes or may not have a fixed address, which often means they do not receive notices.

Perhaps the most drastic effect of changes to the *Fines, Penalties and Infringement Notices Enforcement Act 1994* (WA) has been the ability of the court to order a suspension of a motor vehicle drivers licence as a consequence of fine default. In some communities there may be no licensed drivers. As these are mobile populations that travel for cultural and ceremonial reasons, drivers can be continually charged with having no motor vehicle drivers licence; a final consequence of multiple charges is a term of imprisonment.

HARDENING OF THE LEGISLATIVE APPROACH TO CRIME

Community attitudes have driven a hardening of the legislative approach to crime in general and in particular towards victim-based crimes such as home burglaries.⁴⁹ The re-definition of aggravated burglary to include any burglary committed in company has had unwarranted

47 At the time of the inspection a review of the fines system was about to commence with the view to making legislative changes that would reduce the use of imprisonment as a way of expiating fines and increasing time to pay options and the use of Work and Development Orders.

Recommendations include:

- a) fines being served cumulatively with other fines but concurrently with other sentences of imprisonment;
- b) exploring the legislative parameters for sentenced prisoners being able to expiate fines by way of a Work and Development Order (WDO) whilst in prison;
- c) increasing the dollar value of the work undertaken for WDOs;
- d) extending the time for deferral of breach on WDOs;
- e) providing that any 'part thereof' default periods on fines remaining are waived;
- f) deleting a minimum specified time for Community Service Orders.

Information taken from: Department of Justice, *Interim Report on the Review of the Fines System in Western Australia* (October 2004).

48 Department of Justice, data on 'Fine Default Only Sentences Commenced by Placement Prison at time of the Fine Default Placement 1/01/03–21/12/03'.

49 It is interesting to note that home burglaries are referred to as 'home invasions' in the media.

outcome in remote communities.⁵⁰ As aggravated burglaries can only be heard in the District Court, such cases can only be heard in Kalgoorlie. Being away from family and community further increases the risk of recidivism. Conviction on a charge of aggravated burglary carries a mandatory one-year sentence.

New legislation, the *Acts Amendment (Family and Domestic Violence) Act 2004* (WA), included broader definitions of what constitutes family and domestic violence, removed the defence of 'consent' and placed an obligation on police to investigate acts of domestic violence. Penalties for breaches were increased to \$6,000 or maximum imprisonment of two years. The *Acts Amendment (Family and Domestic Violence) Act 2004* coupled with the increased police presence in remote and regional areas may result in increased prosecutions for domestic and family violence matters in Aboriginal communities.

OVER-CLASSIFICATION

The Standard Guidelines for Corrections in Australia states that prisoners must be classified at the lowest security level possible taking into account the needs of the individual prisoner and the need to separate each category of prisoners while at the same time ensuring their continued security.⁵¹

The Inspector has raised concerns in the past about the over-classification of prisoners, especially Aboriginal prisoners. The prison classification system is not culturally appropriate and uses measures such as stable work history, permanent residence, and number of visits and escape history as determinants for flight risk. The current assessment does not include any assessment of dangerousness. Following the inspection of Broome Regional Prison in 2004 the Inspector recommended that a classification system be developed that includes an assessment of the level of risk posed by a prisoner and addresses the current biases that lead to the over-classification of Aboriginal prisoners.

THE POLITICAL CLIMATE

This inspection occurred in the lead up to a state election. The local member for Kalgoorlie, who subsequently became the Leader of the Opposition, included justice issues in his election platform. During 2004 two key incidents had occurred at the EGRP that had attracted negative press, thus creating a degree of political sensitivity around activities at the prison. In November 2004 the Kalgoorlie Miner reported that a female prisoner had become pregnant while in custody at EGRP. In response, the prison redirected weekday minimum-security prisoner visits to take place indoors in the maximum-security visits area.

Earlier in 2004 controversy had raged over prisoners at EGRP being able to participate in a gun safety program while on Section 94 release from the prison. The program had been devised in conjunction with local police, and participants were vetted and approved by police. Given the high incidence of injuries occurring from accidental misuse of guns in the communities, the aim of the program was to teach Aboriginal prisoners rifle safety. The resultant backlash resulted in system-wide restrictions to Section 94.

50 In 2000 'in company' offences comprised 77 per cent of all aggravated burglary offences: Ngaanyatjarra Community, *Law and Justice Submission to the Attorney General of Western Australia The Hon J A McGinty MLA* (April 2002).

51 The Department of Justice is a signatory to the Standard Guidelines for Corrections in Australia (Revised 2004). There is no Western Australian equivalent so these standards form the standard for custodial management in this state.

CONTRIBUTING FACTORS TO HIGH RATES OF IMPRISONMENT

In discussions at the EGRP, both staff and prisoners were acutely aware of the political pressures surrounding the treatment of prisoners and particularly prisoner release. In the lead up to the election, one external observer commented: 'It was like everyone was holding their breath'. Understandably in this climate a far more conservative approach to prisoner management will be implemented.

The political and social climate impacts on a prison's treatment of prisoners, and in particular Aboriginal prisoners. The political reality of local community pressures and public alarm surrounding law and order issues cannot be ignored during the conduct of an inspection and the analysis of the findings.

Appendix 4

PROFILE OF THE CRIMINAL JUSTICE SYSTEM IN THE EASTERN GOLDFIELDS REGION

The Department of Justice's 'Profile of the Criminal Justice System in the Goldfields' highlights the following:

- The rate of recorded crime was higher than that recorded for the whole state. Crimes against the person were more than double the rate recorded for the state.
- Defendants in the Eastern Goldfields Region (EGR) are less likely to receive a Community Based Order but more likely to receive a custodial sentence or a fine than in other areas of the state.
- Defendants in the EGR are more likely to receive custodial sentences for acts intended to cause injury, acts endangering an individual and traffic offences, but less likely to receive custodial sentences for offences against justice procedures.
- In 2003–2004, Court Orders and Work and Development Orders comprised 70 per cent of all orders in the region.
- During 2002–2003 there were 370 unsentenced receivals at the Eastern Goldfields Regional Prison (EGRP), 364 were remanded (74% were remanded without bail) and 7 were awaiting extradition.
- The most common offence type for prisoners was offences against the person.
- Prisoners in EGRP have high rates of substance abuse (79%), in particular high rates of alcohol abuse. In addition, 20 per cent of prisoners had some involvement with family and domestic violence (either as perpetrator, victim or both).
- In December 2004, 143 prisoners from the EGR were held in prisons in other areas of the state. The majority of these prisoners were from the Kalgoorlie/Boulder area (60%) and 15 per cent were from the Shire of Ngaanyatjarraku.
- Recent Community Justice Initiatives in the Goldfields include: Regional Program Development Officers, Community Supervision Agreements, Regional Community Conferencing, Child Witness and Victim Support Service, NPY Cross Border Justice Project, Mt Morgans Work Camp, Enquiry into Sentencing Legislation.⁵²

Additionally, in response to the Gordon Inquiry, 'multi-functional facilities' are being built in Warburton and Warakurna (in the Ngaanyatjarra Lands) to accommodate the police and other services in remote communities. While there is strong community support for the high priority being given to public safety, community concern has been expressed that there has been no corresponding and proportionate increase in resources to the courts and the prison system. The lack of integration and resourcing between the various justice related portfolios has contributed to court delays, high community justice caseloads and overcrowding in the prisons.

52 Department of Justice, 'Profile of the Criminal Justice System in the Goldfields' (undated) 1.

PROFILE OF THE CRIMINAL JUSTICE SYSTEM IN THE EASTERN GOLDFIELDS REGION

In December 2004, 87 per cent of the prison population in EGRP was Aboriginal. This population is from a widespread area throughout the EGR. In an Aboriginal context, the EGR comprises:

- The Spinifex people (residing in the Spinifex native title claim in Western Australia) – this includes the Coonana, Cundeelee and Tjuntjunjatjarra communities).
- The Ngaanyatjarra people – constituted by 11 Aboriginal communities in the Central desert, including Warburton.
- The people living in the Mulga Mallee (ex) ATSIC region – including Esperance, Norseman, Kalgoorlie, Coolgardie, Menzies, Leonora, Laverton, Mt Margaret and Mulga Queen.

Many of these communities still follow a traditional lifestyle and speak an Aboriginal language as a first language. Many of these people are not proficient in English. A key challenge for the prison is the high proportion of the population for who English is a second language.

Half the prisoners from the region come from the City of Kalgoorlie-Boulder, approximately a fifth come from the Shire of Ngaanyatjarraku, and between one and eight per cent coming from each of the remaining shires in the region.

It is important to note that although the EGRP population is predominantly from the EGR, the majority of prisoners from the region are located 'out of country' – mainly in metropolitan prisons, particularly Acacia. In spite of the Department's stated commitment to housing them as close to their country as possible, half of the prisoners from the EGR do not have the opportunity to remain at the EGRP. By 30 June 2005, 60 per cent of prisoners from the EGR were located in prisons other than EGRP.⁵³

However, the current inspection could not conclude that substantial progress had been made with regards to the treatment of Aboriginal prisoners. Indeed, in some very significant respects, conditions for prisoners at EGRP appear to have deteriorated.

Progress against the recommendations was found to be variable. In some areas (for example, the women's section) there had been improvement but in others, such as the men's accommodation, the standards had not been improved and remained sub-standard. In his exit debrief the Inspector described EGRP in 2005 as a prison 'under great stress' with the situation being almost at the stage it had been prior to the first unannounced inspection. The key issues identified in the first two inspections (namely, systemic problems at a departmental level; the failure to adequately articulate departmental policy; poor local management; and inadequate staffing, resources and poor infrastructure) were still observed and the additional problems of overcrowding and understaffing were found to exacerbate these issues.

53 Departmental data based on statistical division of last known address as recorded in TOMS as at 30 June 2005: Department of Justice.

Appendix 5

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006 RECOMMENDATIONS

Recommendation	Response/Risk Rating
1. That the Department conduct a full security and emergency procedures audit of the prison with regard to infrastructure and equipment needs, processes, and staffing requirements. Particular account should be taken of the nine matters raised in paragraph 1.4. of this Report.	Agree/High A full security audit has been scheduled to be conducted April 2006. This audit will take into account the risks identified by the Inspector.
2. That: a) remand prisoners should be subjected to an assessment and classified according to risk;	Agree/Moderate A Management Placement check list has been specifically constructed for remand prisoners. EGRP has performed 146 remand MAPS since the introduction of this system on 21 December 2005 and 25 March 2006.
b) remand prisoners should have access to appropriate programs and services; and	Agree/Moderate Brief intervention Services which are short, sharp programmes aimed at addressing drug and alcohol abuse and violent offending will be introduced into EGRP by June 2006.
c) the surety requirements for bail should be reviewed for their appropriateness to the Aboriginal offenders from the Goldfields region.	Noted

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>3. That the reception and orientation process be redesigned. This process needs to:</p> <p>a) involve Aboriginal prisoners in its development and design;</p> <p>b) involve peer support prisoners; and</p> <p>c) be subject to a comprehensive evaluation.</p>	<p>Agree/High</p> <p>EGRP is currently including members of the Prisoner Peer Support Group in the orientation process. On occasions when members of this team are not appropriate for the new arrival, the Prison Support Officer will find a prisoner from the new arrivals area to assist in the orientation process.</p> <p>An audit has been conducted of the reception area and orientation process. This identified a number of environmental and OS&H issues which have been addressed. A Reception Officer Manual is currently being developed and will be subject to on-going improvement. The establishment of a Prison Officer Trainer at EGRP has allowed all staff to receive training relative to the induction process. This includes further training on the identification of the 'at risk' prisoner.</p> <p>Physical changes to the reception area will be subject to funding.</p>
<p>4. A comprehensive audit of the physical fabric of the prison is required in order to identify those items that require minor works, others that can be brought up to a functional standard by planned maintenance and the identification of the local resource implications for industrial cleaning and routine maintenance.</p>	<p>Agree/High</p> <p>An Engineer's report on EGRP was commissioned in 2001 to inform the Department's submission for funding of a structural upgrade of the prison.</p> <p>Areas identified by the Inspector as needing improvement have been addressed. Mattresses have been replaced, units 1 & 2 have been painted.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
5. There must be an absolute prohibition upon the involvement of nursing or other health services staff in strip-searches of prisoners or in other custodial duties.	<p>Agree/Moderate</p> <p>The Departmental Policy Directive is unambiguous in stating that Prison Officers are to conduct strip searches. Health Services staff have been regularly advised that they are not to participate in the searching of prisoners.</p> <p>Furthermore Health Services staff are adamant that the practice of health staff assisting in strip searches has not occurred at EGRP in the last three years.</p>
6. Prison management should re-emphasise to general custodial staff that their responsibilities include a welfare component and that they should, within their capacity, try to deal with straightforward prisoner applications themselves rather than automatically referring the prisoner to the Prisoner Support Officer.	<p>Agree/Moderate</p> <p>The welfare role of Prison Officers is clearly defined in their JDF's. Prison Officers at EGRP have always dealt with straight forward prisoner applications themselves. This close interaction with prisoners has allowed the officers to gain the high level of knowledge of the individual prisoners that is commended by the Inspector in this report and evidenced by the low rate of self-harm and suicide. Notwithstanding this, as part of the current change management process, welfare and self determination are implicit in the Unit Plans developed to assist in the day to day management of prisoners.</p>
7. That the adequacy of the number of female custodial officers be reviewed. In addition, the arrangements for the distribution of sanitary products also be reviewed with consideration given to them being provided on a self-serve basis, as is the case at Bandyup Women's Prison.	<p>Agree/Low</p> <p>The ratio of female Prison Officers at EGRP has been reviewed. Females comprise approximately 12% of the prisoner population, while female Prison Officers represent 25% of the custodial staff. This is considered by the prison to be more than sufficient.</p> <p>Sanitary products are directly accessible by prisoners within the unit and in all communal toilets.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>8. Steps must be taken to reinvigorate the practice of case management at EGRP.</p>	<p>Agree/Moderate</p> <p>The issue of case management was a key focus of the recent “Mahoney” Inquiry and a proposal to review, enhance, and better resource case management is currently the subject of a funding proposal to Government. A system-wide “reinvigoration” of case management would be likely to result from such a review should the funding submission be successful.</p>
<p>9. Education courses should be developed that are directly related to the life skills required by prisoners upon release.</p> <p>Courses should also be provided that develop an understanding of relevant government systems and processes.</p> <p>Additionally, consideration should be given to providing access to the broadcasts of the Indigenous television station IMPARJA</p>	<p>Agree/Low</p> <p>The educational program continues to be shaped by the needs of the prisoners, regional labour market demands and focussing on capacity building of the individuals prior to their return to the communities. 2006 will see the introduction of Labour Market Skills Training workshops, Financial Literacy Workshops and a regional education officer conference held in Kalgoorlie.</p> <p>Agree / Low</p> <p>As above.</p> <p>Agree / Low</p> <p>The Superintendent is assessing the availability and cost of providing this service to prisoners.</p>
<p>10. That EGRP management make available hobby art materials for prisoners and promote the opportunities for accessing such materials along with other recreational activities.</p>	<p>Agree / Low</p> <p>An extensive range of hobby art classes are provided and are available for prisoners to participate in at their skill level. Prisoners are assessed against the oracy competency of their education programme during the activity sessions held in the Education Centre. In addition, quality paints and canvasses are available on an ‘at cost’ basis for prisoners wishing to paint in their cells after hours.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
	<p>The change management team is working towards implementing a 'constructive day' which will encourage prisoners to spend less time in their cells and participate in activities, programmes and education.</p> <p>Education is currently exploring opportunities to bring the hobby craft programme into the maximum security unit.</p>
<p>11. That the Department ensure that prisoners in regional locations have access to the full range of programs available to prisoners in metropolitan prisons and that such programs are reviewed for cultural sensitivity and appropriateness.</p>	<p>Agree/Moderate</p> <p>In December 2004 the WA Government endorsed the Policy Framework for Substantive Equality. This policy aims to ensure equitable outcomes in public sector services for all clients. The Department of Corrective Services is working towards our obligation to have a Substantive Equality strategic plan in place by June 2006. The issues raised in the EGRP Report are pertinent to the implementation of Substantive Equality within the Department of Corrective Services and will be considered in depth in the development of this strategic plan.</p> <p>There are long standing entrenched problems with delivering the full range of programs to prisoners in regional prisons, the foremost of which is recruiting and retaining appropriately qualified staff. The Department continues to explore incentives for staff and alternative service delivery options in the regions, however this will be subject to funding and resourcing constraints.</p>
<p>12. Release arrangements should be such that the prisoner is enabled to get back to his home where this differs from his place of arrest.</p>	<p>Agree/Moderate</p> <p>This issue is currently the subject of consideration as Strategy 1 of the Reducing Aboriginal Imprisonment Program and options for returning released prisoners to their home communities are being examined. Implementation will be subject to funding.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
<p>13. The Department and EGRP management should continue to support the Mount Morgans Work Camp initiative.</p>	<p>Agree/Moderate</p> <p>The Department will continue to support the Mt Morgan Work Camp. The work camp is currently providing services to the Laverton and Leonora communities. This includes work on the local race track, refurbishment of the interior of the Catholic Church, upgrade of gardens at both Laverton and Leonora hospitals. It is anticipated that the work camp will become involved in the ‘Golden Quest Discovery Trail’ which will include work such as building camp site facilities. It is also anticipated that partnerships with the local mining companies will include accredited training for work camp participants.</p>
<p>The EGRP Prison Industries Action Plan should be actively pursued.</p>	<p>Agree/Moderate</p> <p>EGRP will continue to pursue self sufficiency in salad vegetables as identified in the Prison Industries Action Plan. A proposal for a commercial laundry was included in the ‘Regional Interim Accommodation Strategy’ which remains unfunded.</p>
<p>14. That the Department continue to develop initiatives aimed at redressing the current inequitable Aboriginal staffing levels. As a medium term goal, initiatives to build capacity in staffing of ancillary services and management should be explored.</p>	<p>Agree/Moderate</p> <p>The Prison Officer Recruitment team is undertaking a variety of strategies to address Aboriginal staffing levels. These include involving current Aboriginal prison officers during information sessions, having Aboriginal PO as contact points, working closely with the Superintendent at the prison and examining the barriers to Aboriginal applicants and developing strategies around these. Research into this market segment is also being considered to determine the pool of potential applicants in this area. Radio interviews and recruitment ads in local publications are also being trialled. This team also liaises closely with the Aboriginal Workforce Development Unit - which is exploring traineeships and mentoring as strategies.</p>

DEPARTMENT OF CORRECTIVE SERVICES RESPONSE TO THE 2006
RECOMMENDATIONS

Recommendation	Response/Risk Rating
15. That a Community Reference Group be established to develop community links. This Reference Group should include, inter alia, representatives of local businesses, the local shire, relevant NGOs and Aboriginal peak groups.	<p>Agree/Moderate</p> <p>The majority of these initiatives are subject to resources and funding being provided.</p> <p>EGRP currently has links with representatives from local businesses, the local Shire and a range of NGO's. The Prison has experienced difficulty in gaining a collaborative link with local aboriginal groups. Assistance was sort from the Community Liaison Officer from the Office of the Inspector; however further inroads in developing a relationship were unable to be made. Endeavours to gain their support for a Community Reference Group will continue.</p>

Appendix 6

SCORE CARD

Recommendation Number	Type of Recommendation	Acceptance		
		Acceptable	Less than Acceptable	Fail
1.	<p>That the Department of Justice develops:</p> <ul style="list-style-type: none"> • A plan for the future operations of Eastern Goldfields Prison that is underpinned by the philosophies espoused in this Report for a prison that serves a local, mainly Aboriginal, mainly minimum security population, and that is in accord with a clear definition of the role and purpose of a regional prison. • A working blueprint and associated timetable for the urgent systematic reform of the prison in accordance with that. <p>FURTHER RECOMMENDATION:</p> <p>That the department continues to look towards full implementation, with a view to completing this process by 30th June 2003.</p>		<ul style="list-style-type: none"> • • • 	
2.	<p>That the Department addresses the reform of the prison at two levels.</p> <ul style="list-style-type: none"> • At the level of ideology and theory with regard to best practice in management • At the practical and local levels as outlined in detail in this Report, taking particular note of the approach to security and the revisions to the plan of the prison submitted by the Inspector to the Department <p>FURTHER RECOMMENDATION:</p> <p>That the management team be stabilised as soon as possible; that a genuine attempt be made to appoint a qualified Aboriginal person to the management team.</p>		<ul style="list-style-type: none"> • • • 	
3.	<p>That the Department develop and sustain a leadership role in relation to the prison. Such a role should include guidance and support for the Superintendent and his senior management, the institution of sound human rights and correctional values at the local level, and improved staffing arrangements. The staffing issue should also address incentives for local service; resolution of the uncertainty surrounding the position of contract staff; and, exploration of whether the distortions to service that arise out of 12-hour shift arrangements can be ameliorated.</p>		<ul style="list-style-type: none"> • 	

SCORE CARD

Recommendation Number	Type of Recommendation	Acceptance		
		Acceptable	Less than Acceptable	Fail
	<p>FURTHER RECOMMENDATION:</p> <p>That the notion of an incentives package be energetically pursued and implemented; that a staff appraisal system be activated; that effective shift covering arrangements be introduced; and that the general human resource issues at the prison be addressed.</p>		•	
4.	<p>That the conditions, services and opportunities for women prisoners, minimum security men (especially Aboriginal men) and secure men be addressed in line with the directions outlined in the body of this Report. In relation to each group and in a way that befits the context, reforms should aim for:</p> <ul style="list-style-type: none"> • Access and opportunity that is not discriminatory, on the grounds of race or gender; • Levels of security that are not unnecessarily or unfairly restrictive, and that are not imposed for reasons of gender; • Decent, clean, hygienic accommodation that is climatically appropriate and well ventilated; • Improved access to appropriate health care, recreation, education, treatment programs, work and intra-prison visits, especially for women and secure prisoners • A level of containment that meets not only the United Nations <i>Standard Minimum Rules for the Treatment of Prisoners</i> but also community standards in relation to human rights. <p>FURTHER RECOMMENDATION:</p> <p>That lock-up times for women prisoners be equated to those for men and in particular that 10pm lock-up becomes the norm.</p>		•	

SCORE CARD

Recommendation Number	Type of Recommendation	Acceptance		
		Acceptable	Less than Acceptable	Fail
5.	<p>That the level of security in the prison in both its material and procedural forms be re-assessed in line with the concept of the prison serving what is, for the most part, a minimum security population</p> <p>FURTHER RECOMMENDATION:</p> <p>That the Department continues to work towards full implementation with a view to completing the process by 30th June 2003.</p>		•	
6.	<p>That the roles and functions of health and security are formally and operationally recognised as discrete and requests for female clinic staff or premises to be involved in strip searches cease forthwith.</p>	•		
7.	<p>That prison officers receive training that fits them as front-line agents in the comprehensive custodial care of prisoners. This includes consciousness raising that attunes them to the need for, and values appropriate to, a role that balances the requirements of the four cornerstones. It also includes training to fit them for working with Aboriginal prisoners.</p> <p>FURTHER RECOMMENDATION:</p> <p>That the Department continues to work towards full implementation with a view to completing the process by 30th June 2003.</p>		•	
8.	<p>That the Department pursue a comprehensive, targeted and timely reform agenda for Eastern Goldfields Prison that is independent of any possible plans to build a new prison in the region.</p> <p>FURTHER RECOMMENDATION:</p> <p>That the Department continues to work towards full implementation with the view to completing the process by 30th June 2003.</p>		•	

SCORE CARD

Recommendation Number	Type of Recommendation	Acceptance		
		Acceptable	Less than Acceptable	Fail
9.	<p>That nevertheless facility planning for Eastern Goldfields Regional Prison should be commenced as a matter of urgency. All options, in particular that of optimising the utilisation of present and adjacent sites should be fully considered, as should a graduated or incremental replacement building program. This planning process must proceed within a genuinely consultative framework, and should be informed by the substance of this Report.</p> <p>FURTHER RECOMMENDATION: That this planning process now be commenced.</p>		•	
10.	<p>That the detailed recommendations made in this Report should also be taken up and implemented as appropriate, in particular those relating the need to continue the appointment of the Release Planning Officer, the need for more-and more appropriate treatment programs, the desirability of improving access to funerals, the need for making the Arunta phone system prisoner focussed, the need to increase Section 94 work and recreational activities and, the need to increase Departmental expenditure on education.</p> <p>FURTHER RECOMMENDATION: That the position of on-site Release Planning Officer be restored. Generally that the Department strengthen the links and co-operation between the prisons Services Directorate and the Community Justice Services Directorate in the context of the needs of the Eastern Goldfields as a releasing prison. That work at police stations be discontinued as a Section 94 activity; and that the Department continues to work towards full implementation of the previous detailed recommendations, with a view to completing the process by 30th June 2003.</p>		•	
11.	<p>The Department should ensure that its system of compliance audits or service reviews are particularly active in relation to Eastern Goldfields Regional Prison until such time as an acceptable standard of service and performance has been attained.</p> <p>FURTHER RECOMMENDATION: That the Department undertakes a compliance audit no later than 30th June 2003.</p>		•	

Appendix 7

INSPECTION TEAM

Professor Richard Harding	The Inspector of Custodial Services
Mr Bob Stacey	Deputy Inspector of Custodial Services
Ms Dace Tomsons	A/Manager of Inspections and Research
Mr John Acres	Inspections and Research Officer
Ms Jeannine Purdy	Inspections and Research Officer
Ms Lauren Netto	Inspections and Research Officer
Ms Erin Sweeny	Inspections and Research Officer
Mr Steve Reddy	Inspections and Research Officer (seconded from the Department of Justice)
Ms Diane Broadby	Manager Community Relations
Mr Joseph Wallam	Community Liaison Officer
Ms Annie Hoddinott	Expert Adviser (Department of Education and Training)
Ms Thaedra Frangos	Expert Adviser (Ombudsman)
Dr Peter Barrett	Expert Adviser (Department of Health)
Ms Jocelyn Jones	Expert Adviser (Office of Aboriginal Health)
Ms Kym Russell	Expert Adviser (Department of Indigenous Affairs)
Mr Frank Martin	Expert Adviser (Department of Indigenous Affairs)

Appendix 8

KEY DATES

Formal notification of announced Inspection	10 December 2004
Start of onsite phase	6 February 2005
Completion of onsite phase	11 February 2005
Inspection exit debrief	11 February 2005
Draft report sent to the Department of Corrective Services	1 March 2006
Draft report returned by the Department of Corrective Services	7 April 2006
Prepared report	5 May 2006



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