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OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

REPORT INTO THE ANNOUNCED INSPECTION
OF BROOME REGIONAL PRISON



Report into the Announced Inspection
of Broome Regional Prison

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The Inspector's Overview

A NEW CHAPTER IN CUSTODIAL MANAGEMENT BEGINS TO TAKE SHAPE
IN THE WEST KIMBERLEY: MEANWHILE BROOME REGIONAL PRISON
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From the very inception of the Office of the Inspector of Custodial Services, conditions at Broome Regional Prison and the capacity of the Department to cater properly for Kimberley prisoners has been a matter of acute concern. In our Report 30, we recommended that two new “full service” prisons should be established – one in the East Kimberley and the other in the West Kimberley. As this inspection commenced in mid-March 2007, no announcement about these matters had yet been made. Yet it was known that the expressed preference of the principal advisers – the Kimberley Aboriginal reference Group and this Office – was strongly in favour of any new West Kimberley prison being situated in the Derby area. On the other hand, \$11.2 million had recently been allocated for refurbishment of Broome.

Thus the inspection took place against a background of considerable uncertainty and some real anxiety. Fortunately, shortly afterwards these uncertainties started to resolve. The Minister announced that a new “full service” prison for males and females would be constructed in the Derby area. Planning for this welcome development is now well under way within the Department.

A matter that had been worrying staff at Broome was that their jobs would be at risk unless they were prepared to move to Derby. The commitment to refurbish Broome Regional Prison gave welcome clarification that the prison will retain an important role within the total Western Australian custodial management system. The exact details of that role have not yet been settled, but it seems certain to involve a major remand function for Kimberley trials and, possibly, a base for community reparation activities (section 95 Prisons Act) in the immediate area of Broome.

Given these uncertainties, it is pleasing to record that in many tangible ways the prison's performance had improved since the previous inspection in 2004. These matters are described in detail in the Report. The Inspector wishes to acknowledge the good work that management and staff have achieved in difficult circumstances. One stand-out feature was the improvement in workforce participation by both women and Aboriginals – something notably deficient in earlier inspections. The changing demographic is directly involved in improved culture, greater acceptance of change management and ultimately job satisfaction.

Unfortunately, a few staff members continued to evince inappropriate racist and unduly punitive attitudes in their dealings with prisoners. The importance in a prison such as Broome is that inappropriate behaviour always has a greater impact for the worse than appropriate behaviour has for the better. We often find this in prisons; and equally we often find that local management can identify the particular people to us. Yet the problem persists. Why is this so?

The Inspector believes it is because the Department still lacks a robust and fair performance appraisal system. There is no way in which staff can be counselled, warned, reprimanded or sent for re-training without the process seeming to be subjective. Management, not just at Broome but in several other prisons, understandably tend to back off. Without performance appraisal, the Department is seriously deficient in standard management tools. The time for excuses really has passed.

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The Department has responded positively to the 17 recommendations in this Report. Each of them has been “supported” (new Departmental terminology that the Inspector takes to mean “agreed”) in this Report. The test will come as implementation is checked. The 2004 Report contained 40 recommendations, of which three years later only 18 had been implemented to an acceptable extent even though they had been agreed.

A final comment relates to the Bungarun workcamp, near Derby. Community work conducted from an open security base is crucial to successful re-entry to and reintegration with society. Bungarun has had a somewhat uneven history; indeed, at the time of the 2004 inspection some real doubt hung over its continued existence. At that time the Inspector had actively lobbied the Director-General of Justice and the Chair of the Aboriginal Lands Trust to settle the supposed problems and enable the workcamp to continue and prosper. This intervention succeeded.

At the time of the 2007 inspection Bungarun was an exemplar of how this kind of custodial management should be carried out. Community links were strong, with a Community Reference Group meeting monthly to review progress and make inputs. Consequently, the work output was relevant to local needs. Visits were occurring on site, as well as once a week in the Derby township. The amenities of the camp itself had been tidied up and somewhat refurbished. The atmosphere was positive and the officers committed to their jobs way beyond the mere call of duty. Western Australia needs more of this approach to custodial management.

Richard Harding
Inspector of Custodial Services
16 August 2007.

Chapter 1

INTRODUCTION

- 1.1 Many of Western Australia's Aboriginal people experience some of the worst standards of living, employment options, health outcomes and life expectancy in the country. This chronic social disadvantage has invariably led to a disproportionately high level of contact with the justice system.
- 1.2 Aboriginal people from the Kimberley region are 17.8¹ times more likely to receive a custodial sentence than the region's non-Aboriginal population and 10.3² times more likely to receive a custodial sentence than the general Western Australian population. At the time of writing there were 322 Aboriginal prisoners from the Kimberley in the state's prison system. However, very few of this large and growing number are able to be accommodated in the region's custodial facilities.
- 1.3 Broome Regional Prison was built to hold only 66 prisoners with a further 44 able to be accommodated at its work camps. It has been chronically overcrowded for a number of years. The 15 male minimum-security cells were designed to hold three prisoners per cell. However, the male minimum-security population regularly exceeds 80 prisoners resulting in up to six prisoners per cell. Similarly, the male maximum-security area has only four cells but regularly holds over 30 prisoners. The female section, while also regularly overcrowded, has tended to fare better. It has only three cells, but its average population is around nine female prisoners.
- 1.4 The inability of the prison to hold enough of the high intake of prisoners from the region places constant pressure on the prison to move out prisoners, particularly medium- or maximum-security prisoners, to other prisons. Consequently, at the time of inspection 34 minimum-security and 175 medium/maximum-security prisoners from the Kimberley were being held outside the Kimberley region. Some 122 of these were in metropolitan or south-west prisons. This mass displacement has highly negative implications for such prisoners getting visits and maintaining contact with their families, and ultimately for their successful rehabilitation. Regional Aboriginal prisoners held out of their home country have informed the Office of the difficulty they have in engaging with the therapeutic processes necessary for program success; how being displaced has had a real and tangible impact on their ability to maintain or reform damaged links with community and family; and how being away from their country adds significantly to their distress at being imprisoned. Kimberley Aboriginal prisoners have repeatedly stated that regardless of the level of overcrowding and the consequentially bad conditions of imprisonment in the Kimberley, they would rather stay in their own country than be sent south.
- 1.5 The displacement of Kimberley prisoners coupled with the inadequacies stemming from overcrowding of Broome Regional Prison has seriously undermined community safety and efforts to address reoffending in the Kimberley. The high level of overcrowding and the need to constantly move out prisoners who want desperately to stay has been a constant

1 Based on Department of Corrective Services population figures for 28 February 2007 and *ABS Estimated Residential Population: Experimental Estimates and Projections, Aboriginal and Torres Strait Islander Australians 1991–2009* (ABS cat no. 3238.0).

2 Based on Department of Corrective Services population figures for 28 February 2007 and *Population by Age and Sex, Australian States and Territories* (ABS cat no. 3201.0).

INTRODUCTION

distraction for the prison's administration, which has been forced to accept some level of overcrowding in order to minimise prisoners' distress. This is not to say that the prison's administration has in any way condoned overcrowding. The simple fact is that in the years leading up to and at the time of this inspection, there had been a substantial mismatch between the level of imprisonment in the Kimberley and the capacity of the prison to meet those demands.

- 1.6 This was the third inspection of Broome Regional Prison. In previous inspections (2001 and 2004), the Office had devoted much attention to the prison's inadequate and decrepit infrastructure and to its design – more suited to warehousing prisoners than delivering services or a safe custodial environment.³ Almost two decades have passed since the Royal Commission into Aboriginal Deaths in Custody and successive governments have promised improved conditions and services to Western Australia's Aboriginal prisoners. Yet independent inspections have continued to find Aboriginal prisoners facing conditions which are markedly inferior to those faced by non-Aboriginal prisoners.⁴
- 1.7 Around the time of the current inspection, the Western Australian Government announced a major infrastructure upgrade for Broome Regional Prison and the construction of a new prison in the Kimberley (to be located in Derby). In light of these announcements, there appears to be no point in further critical discussion of the shortfalls in the prison infrastructure. Nonetheless, this Office will monitor closely the progress of these projects, and particularly the progress of the new prison which has been the subject of considerable detailed comment in past reports.⁵
- 1.8 Much has also been previously written on what the prison management referred to as a 'culturally responsive operating philosophy'.⁶ Chapter 2 examines Broome Regional Prison's performance with regard to this notion of cultural responsiveness and how this was reflected in service delivery. The Department's *2002 Aboriginal Strategic Plan* provided a focus on Aboriginal issues and set out the way forward in addressing them at all prisons.
- 1.9 There is a need for the Department to review and further develop this notion of a culturally responsive operating philosophy in the same way that the Department developed a women-centred approach for the Boronia Pre-Release Centre. SERCO, which administers the state's privately run Acacia Prison, has made significant moves to do just this. Its *Aboriginal Prisoner Action Plan 2006–2007* sets out 50 separate strategies with outcome markers and timeframes and is certainly well ahead of anything the Department currently has.
- 1.10 The development of a new Kimberley prison provides a not-to-be-missed opportunity to review the operational philosophy for Kimberley Aboriginal prisoners. This process must draw upon the advice and involvement of a wide range of Aboriginal people and groups

3 See Office of the Inspector of Custodial Services (OICS), *Report of an Unannounced Inspection of Broome Regional Prison June 2001*, Report No. 6 (March 2002); and OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 27 (March 2005).

4 OICS, *Digest of Aboriginality in Western Australian Prisons as Reported in Published Inspection Reports 2000–2005, Digest D (June 2006) 2*.

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

6 Broome Regional Prison, *Operating Philosophy* (2006).

from the Kimberley, including the Kimberley Aboriginal Reference Group, as well as from experience elsewhere. While some objectives will have similar features to those governing the management of non-Aboriginal prisoners,⁷ many must articulate the distinct needs of Aboriginal prisoners from the various parts of the Kimberley.

- 1.11 The historical context of Aboriginal relations with the justice system has been one in which Aboriginal people have frequently been oppressed and disenfranchised. While non-Aboriginal people may relegate this fact to the past, the reality for many Aboriginal people is that they continue to live with the consequences of this past and have yet to feel a sense of sharing equally in the benefits that Australia has to offer its citizens. At a minimum, Kimberley custodial management should support and draw upon cultural ties and practices to build an understanding of the diversity of Aboriginal beliefs and perspectives, and conceptualise imprisonment as a window of opportunity to assist prisoners to lead constructive and law-abiding lives.

Recommendation 1

That the Department, in conjunction with Aboriginal communities and agencies, develop an Aboriginal-focused custodial management service delivery model. In doing so, the Department should take into consideration the content of this report.

⁷ For a summary see Forensic and Applied Psychology Research Group, *The Management of Indigenous Prisoners, Prisoners From Different Cultural Backgrounds and Women Prisoners*, (University of South Australia, 2005) 7.

Chapter 2

THE INSPECTION

RESOURCES AND SYSTEMS

- 2.1 One of the enduring characteristics of Broome Regional Prison has been that despite its challenges, the prison has functioned above what could be reasonably expected. This level of performance has largely been achieved through the commitment of staff, the cooperation of the prisoner group and the good relationship between staff and prisoners. As a result, some excellent and innovative practices have been established. These have included the recent development of a structured day for prisoners within which the delivery of services could realistically be achieved. In recent times, improved business practices and change management have also shown real benefits to the prison. These improvements should be continued to strategically prepare the prison for the inevitable change in role and function when the new Kimberley prison is commissioned.

Recommendation 2

That change management processes at Broome Regional Prison be retained and supported by making funding available for prison 'change management' initiatives.

- 2.2 Many difficulties associated with the chronic overcrowding at the prison have been exacerbated by an insufficient allocation of staff and a growing inability to fill available positions. The prison has been required to deliver the same services to the same standards as other minimum-security prisons in the state. However, prisoner receptions (that is, the intake and transfer of prisoners) are significantly higher at Broome than at other comparable prisons, and Broome has traditionally held a significant medium- and maximum-security population. Further, at the time of the inspection, the prison's infrastructure and layout was the least conducive to service delivery of any in the state. Yet with all of this, Broome Prison was running on a staffing ratio less than half that of other minimum-security prisons. In this regard, the Office cannot see how the allocation of staff could have been derived from a focus on service delivery.
- 2.3 In recent years the prison has found it difficult to fill even this low number of allocated staff positions. While the staffing shortfall has been across the whole spectrum of staff, it was most profound in the vocational support officer (VSO) and prison officer ranks. There were many possible reasons for this: the current resources boom is attracting potential staff with better remuneration; there is a lack of adequate housing in Broome; and recruiting practices tend to dissuade regional recruits rather than encourage them.
- 2.4 At the time of the inspection, the prison's staffing difficulties were having a marked impact on both staff and prisoners. The number of officers able to be placed on the ground on any given day was often insufficient to deliver a full range of services or to meet the needs of prisoners. This had consequential implications for occupational health and safety through unsafe work practices and staff burnout.
- 2.5 Where staff are stretched and stressed to the extent evident in Broome, operational staff must prioritise prison activities. This tends to result in the prioritisation of security-based activities to the detriment of prisoner services and staff interaction with the prisoner group. This was plainly evident during the inspection. Service reduction and the associated

disengagement of officers was keenly felt by prisoners who reported feeling unsupported and less safe, and who were tending to rely on themselves and fellow prisoners for their safety and to deal with problems in the prison.

- 2.6 On a more positive note, recent local recruiting efforts had doubled the number of Aboriginal and female staff in the prison, increasing the number of Aboriginal prison officers by four and the number of female officers by ten. While still well short of what was desirable for the prison, these were improvements that were likely to deliver significant benefits to the running of the prison.
- 2.7 Additions to the senior officer complement at the prison subsequent to the inspection should give some limited respite. The situation may further improve once staffing associated with the prison's upgrade becomes available. This of course assumes the Department can address the deficiencies in its recruitment and retention practices⁸ that resulted in the current shortfall of staff.

Recommendation 3

That Broome Regional Prison's staffing complement be immediately brought up to full strength. In addition, the Department should conduct a review of the prison's staffing allocation with a view to enabling it to meet the full service needs of the prison.

CUSTODY

- 2.8 Broome Regional Prison is a mixed gender, minimum-security prison with a limited capacity for prisoners classified as maximum- and medium-security to be held for short periods. This section discusses how the prison has delivered appropriate custodial outcomes within these constraints.
- 2.9 Firstly, the Office has made previous recommendations on two key issues that warrant brief comment here.
- For many years, the Office has recommended that the Department review how it defines escape and how it assesses the security risk posed by, and the classification of, Aboriginal prisoners. The Department has now secured funding and has commenced work towards addressing this recommendation.
 - The Office has many times raised concerns with the Department in relation to the ability of Broome Regional Prison (and other like prisons) to manage emergencies. At the time of inspection, the prison remained deficient in this area.⁹ The Department lacked memoranda of understanding with key emergency service providers beyond the type of local agreements that are dependent on the goodwill of individuals involved. The prison did not have sufficient internal resources, prison staff were insufficiently trained, and the prison could not be supported from the Department's own support services based in the

8 For a fuller discussion of the Department's recruitment and retention deficiencies see OICS, *Directed Review of the Management of Prisoners in Custody*, Report No. 30 (November 2005) ch 7.

9 Beyond its ability to manage a cyclone situation, for which it is well prepared.

metropolitan area in a timely way. These rendered both the prison and its work camps unnecessarily vulnerable.

The high-security section of the prison

- 2.10 Prisoners classified medium- or maximum-security who had been sent south, were often accepted back for short periods (up to several weeks) to facilitate visits, funeral attendance and release. The prison is required to ensure that the maximum- and medium-security section of the prison was sufficiently secure, and to ensure that the prisoners accommodated there were adequately cared for. Sadly, the inspection found that the prison was failing in both respects.
- 2.11 Such prisoners, if not released from the prison would generally return to the closed-security prison where they had been previously held. The nearest such prison was thousands of kilometres away from the Kimberley. While prisoners were appreciative of the opportunity to return to the Kimberley for short periods, the Office observed that many became increasingly distressed and agitated as the time for their departure approached. The provision of structured activities and services to these prisoners should be in place to mitigate their distress; at the time of the inspection the prison offered no such services or activities.
- 2.12 This failure unnecessarily puts prisoners and staff at increased risk and perpetuates the limited interaction between staff and prisoners in the security section of the prison. The Office observed that staff seldom entered the secure area or interacted with the prisoners. When officers needed to speak to a prisoner, they called from the grille door for the prisoner to come to the grille. Mail was given out through the grille door and meals were pushed just inside the grille door and left for prisoners to distribute among themselves. Thus, a form of 'barrier-based' supervision had severely limited prison officers' ability to monitor and assess prisoners.
- 2.13 These same deficits had led the Inspector, both in 2001 and 2004, to recommend that the Department enhance the activities in this section of the prison. The Department disagreed, protesting that there was little capacity to provide structured recreation and work within the confines of the existing facilities. The Department did commit to re-examine the provision of education to prisoners in the security section; but no education service has eventuated, predominantly because the prison's administration has not been able to provide education staff with a reasonable assurance for their safety. Education staff have maintained that the layout of the facility and current custodial staffing levels are insufficient to ensure that enough officers would be available to provide for their safety.
- 2.14 While the existing facility does pose considerable challenges to the provision of structured activity, the Department does not appear to have considered alternative options. For example, the prison has made regular use of the so-called 'bullpen'¹⁰ for other aspects of the management of secure prisoners and this could be extended to the delivery of education or recreation. In setting Broome's staffing complement without apparent regard

10 A roofed cage-like enclosure remaining from the original prison.

for service delivery to the secure prisoners, the Department appears to have determined not to provide services and activities to these prisoners. Consequently, this recommendation is restated.

Recommendation 4

That the Department immediately review the situation of prisoners held in the security section at Broome Regional Prison and ensure that they have access to structured activities such as education, recreation and work.

- 2.15 A core aspect of procedural security at Broome Regional Prison is the regime for searching prisoners. This includes searches after contact with the public, and random cell searches with the intention of finding drugs, contraband and weapons entering the prison. Yet, the inspection team found that the searching of prisoners and cells at the prison was inconsistent. Compliance with local orders and directions regarding who should be searched and when appeared to be dependant on the personal motivation of the officers involved and the extent to which the prison was adequately staffed.
- 2.16 As the prison was frequently short-staffed, staff appeared to focus on searching maximum- and medium-security prisoners, rather than minimum-security prisoners. Consequently, the ability to effectively block the movement of weapons, tools and other dangerous contraband into the security section from other parts of the prison was affected. Indeed, a short time after the inspection, three prisoners escaped aided by tools introduced via the minimum-security population.
- 2.17 Forthcoming upgrades to the prison and the prison's fence may address some of these issues. Nevertheless the Department should conduct a full security audit of the prison once the upgrades are completed and rectify any identified deficits.

Recommendation 5

That once the funded upgrades to the prison are completed, the Department conduct a full security audit of the prison and rectify any identified deficits.

Use of restraints

- 2.18 The use of restraints has a long and disturbing history in the Kimberley, with mechanical devices central to the subjugation and disempowerment of the Aboriginal population. Many Aboriginal prisoners associate the use of restraints with shame and fear, and see it as an example of their continuing segregation and exclusion from society. Restraints are in essence a form of punishment first and mechanism for security second. For these reasons, the Office emphasises that particularly in the management of Kimberley Aboriginal prisoners, restraints should be used only as a last resort.
- 2.19 During the 2004 inspection, the Office identified an over-use of restraints by the prison and recommended that management remedy all unnecessary use of restraints as a matter of priority. The Department disagreed that restraints were being over-used and elected not to address this recommendation. However, the current inspection revealed that the

prison had instigated a number of changes to local practice that had effectively reduced the unnecessary use of restraints in the prison. While there were still considerable restrictions placed on the movement of maximum-security female prisoners (even within the female unit) the prison appeared to be showing some flexibility. Management should be commended for this overall reduction in the use of restraints. It is hoped that with the upgrades to the secure facility and the fence, the use of restraints will cease within the prison, except in exceptional circumstances.

- 2.20 Local orders require two officers to escort restrained prisoners to and from their destination within the prison. The Office observed that this was a significant drain on staff resources and frequently reduced the prison's capacity to staff other services. The Office considers this to be an example of the need for an additional staff allocation to the prison as recommended above.

Reception and orientation

- 2.21 A prison's reception and orientation processes are a significant opportunity to gather and document important information about a prisoner. Information about a prisoner's physical and mental health, family contact, vulnerabilities and potential risks to other prisoners is collected. These processes are also the first link in a series of efforts to mitigate suicide risk, something all too real in the Kimberley people's experience with the justice system. Errors in the reception process have potentially grave ramifications long after the prisoner's reception.
- 2.22 At the time of the inspection, Broome was the second busiest receptional prison in the state, surpassed only by Hakea Prison in Perth. To adequately fulfil this role the prison requires a well-resourced reception area able to cope with the high number and variety of prisoners entering the prison (including prisoners of both genders, all security classifications and, sometimes, intoxicated prisoners). Previous inspections of Broome Regional Prison reception had identified serious deficits in the infrastructure, staffing, training and other resource issues and little appeared to have changed. The conditions in the reception area were well below standard, both for staff and for prisoners. The layout of the facility and the space available did not enable higher-security prisoners to be safely dealt with and consequently placed the safety of staff and other prisoners at risk.
- 2.23 While there were prisoners working in the reception area at Broome Regional Prison these were not necessarily peer support prisoners, and their role did not formally incorporate this function. In other prisons, peer support prisoners either work in the reception area or are assigned there at specific times to meet new prisoners. This has been found to be of considerable value because it enables peer support prisoners to begin the process of settling a prisoner into the prison and often enhances the accuracy of the information collected. Greenough Regional Prison is an excellent example of this process. Greenough even ensures that peer support prisoners in reception represent the home regions of prisoners being received. The Office considers that the needs of new prisoners at Broome Regional Prison will be better met if the role of peer support prisoners in the reception process is immediately formalised.

- 2.24 Oversight of the orientation process at Broome is the responsibility of the unit officer of the day, and it is this officer who invariably conducts most of the orientations. But this is only one of many tasks required of the unit officer and it appeared that prisoner orientations were not always completed in a timely fashion or to the required detail. The inspection identified a number of prisoners who had a range of deficits in understanding and knowledge in areas expected to be covered during orientation and there was even considerable evidence that some prisoners were not receiving any formal orientation.
- 2.25 While not specifically required by Department of Corrective Services Policy Directive 18, the Office has advocated that all prisons include a peer support component in the orientation process. It is the Office's experience that when peer support is actively involved in orientation, prisoners are better briefed about what is required of them and of the services available.

Recommendation 6

That prison management increase the role and responsibility of peer support prisoners, including a formalised presence during the reception process and a role during prisoner orientation.

- 2.26 The orientation process at Broome Regional Prison is further complicated by the difficulty of communicating often complex issues to prisoners for whom English is a second, third or fourth language. To overcome such communication difficulties, the Office has recommended in the past that interpreter services be available and utilised. This appeared to be happening during the current inspection, albeit less often than warranted. The inspection team was told that where a professional interpreter had not been able to be sourced, the prison had made use of prisoners as interpreters. While this appears to be a sensible approach by local management, it should be carefully supervised. It is the view of the Office that translation services amount to a skilled job and prisoners who routinely provide such a service should be linked to training and accreditation and that their gratuity level should reflect the value of their service. This was not the case and the prison's administration has been remiss in this regard. Consequently, the previous recommendation is restated.

Recommendation 7

That the Department ensure that interpreter services are available and utilised by prison staff in appropriate situations. In circumstances where prisoner interpreters are utilised, the Department should ensure that they are appropriately remunerated and if ongoing, examine the feasibility of obtaining accreditation.

Staff interaction with prisoners

- 2.27 One of the more positive aspects of custodial management in the Kimberley has been the generally positive and respectful relationship between staff and prisoners. This has been the bedrock of the prison's ability to cope with the high number of Kimberley prisoners and the extensive overcrowding. Without this goodwill between staff and prisoners the

prison could not function.¹¹ Prisoner management is relational and a minimum-security prison such as Broome is highly dependent on dynamic security, which itself has at its heart the need for a positive relationship between staff and prisoners. Indeed, Broome Regional Prison lacks the staff numbers or the infrastructure to manage security in any other way.

- 2.28 Therefore it was of grave concern that the inspection team observed (and were told about by both staff and prisoners) instances of racism, intolerance, bullying, threats, ignoring of prisoner needs and cultural ignorance by a group of officers. While most officers still adhered to the good standards observed in past inspections, there were a small number whose actions were endangering the good order and stability of the prison.
- 2.29 Interactions between staff and prisoners should promote dignity and respect.¹² This is even more important in the Kimberley where Aboriginal experience and involvement with the justice sector has historically robbed them of their dignity and respect. In such a climate, equity and fairness must prevail and be seen to prevail. Many prisoners spoken to during the inspection reported disengaging from the officers. Further, both staff and prisoners were reluctant to raise their concerns with local administration or outside agencies for fear of retribution. Intimidation and bullying, especially of other staff, is not new to Broome Regional Prison and was the focus of a specific recommendation following the 2004 inspection. Unfortunately it appears that the situation may have become worse rather than better. The recommendation is therefore restated.

Recommendation 8

That the Department put into place rigorous and comprehensive efforts to ensure that bullying behaviour by staff at any level towards other staff members is not tolerated.

- 2.30 Most officers reported having sufficient understanding of Aboriginal culture and history and the impact of dispossession and colonialism on Aboriginal offending and imprisonment. However, despite cultural awareness training few officers seemed to apply this understanding to their work. This was further compounded by an apparent hardening in staff views towards punishment¹³ and a growing fear of prisoners that appears to have developed since the last inspection.
- 2.31 While the Office believes that only a very small number of the staff are racist, a large number of officers still appear to hold intolerant and prejudiced views toward Aboriginal people. As one prisoner put it 'I find that these officers, they don't understand the Aboriginal Kimberley mob and it's a bit hard for them [the prison officers] 'cause they wonder why the Aboriginals get cranky with them, then they get rowdy which is not right'. This situation cannot continue. Local management, the Department, the representative unions and the staff themselves must take a stand before it erodes the goodwill between staff and prisoners on which the functioning of the prison is so dependent.

11 This view is further supported by the finding of the UK National Audit Office Value for Money Report, *Dealing with increased numbers in custody* (October 2005)

12 As stated in the *Standard Guidelines for Corrections in Australia Revised 2004*.

13 As demonstrated in the pre-inspection staff surveys and in conversations with inspection team members.

Recommendation 9

That the Department ensure that all staff in Broome Regional Prison have regular access to personal and professional development activities that challenge intolerant or prejudicial views of Aboriginal prisoners.

CARE AND WELLBEING

- 2.32 The vast majority of prisoners in Broome Regional Prison at the time of the inspection were classified minimum-security and were likely to be in the prison for only a short period. Many of these prisoners came from difficult environments and presented in prison with varying and significant needs. In attempting to address the needs of these prisoners, their short duration of stay presents a real challenge.
- 2.33 The Department has historically focused its resources on reducing reoffending through programmatic intervention. The problem for Broome Regional Prison is that the antecedents of Kimberley Aboriginal offending may have their strongest links in the practical needs that care and wellbeing initiatives attempt to address. These need not be complex interventions: efforts such as the prison's late lock-up of minimum-security prisoners enables those returning from southern prisons to see and walk under the stars for the first time in years. Further, remote Aboriginal communities have such limited access to services that imprisonment may actually constitute a window of opportunity for the state to impact on the health and wellbeing of these people.
- 2.34 This report will explore two areas where the prison is attempting to meet the practical needs of prisoners; but before doing so, comment is necessary on the progress of the prison in regard to some clear deficits identified in the past.

Risks to prisoners sharing cells

- 2.35 Broome Regional Prison was designed around the provision of multi-occupancy cells. Indeed, the only single occupancy cells are the prison's few punishment and observation cells. Multi-occupancy cells have some culturally appropriate value as Aboriginal family and skin groups tend to prefer to congregate together, but they come with inherent risks. Traditionally, Broome has managed these risks by allowing prisoners to select the cell into which they will be placed.
- 2.36 This practice worked well when the prison was not grossly overcrowded. But with continuing overcrowding and the congregation of family and skin groups in particular cells, the number of cells for non-aligned prisoners became severely limited. Consequently, it has been almost impossible for the prison to ensure that prisoners who do not like each other, or who have particular prejudices, are kept apart. Having observed this at past inspections, the Office recommended, and subsequently the Department developed, a cell sharing risk assessment.
- 2.37 A number of problems were evident with the risk assessment process during this inspection. The risk assessment tool was developed in the metropolitan area, based on the metropolitan

shared cell standard of two prisoners per cell and without apparent adequate regional consultation. After a number of regional prisons raised major concerns with the process it was modified. As a result, this inspection was not able to form any view as to the utility or appropriateness of the Department's efforts to ensure the safety of prisoners in multi-occupancy cells and the risks of inappropriate and even dangerous cell sharing persist.

Provision of traditional diet options

2.38 The Office has consistently recommended that the Department pay greater attention to the provision of traditional foods in its Aboriginal prisons. While it is recognised that this is not a simple issue, during the last inspection traditional diets were not adequately catered for and the situation persists. The Department needs to re-examine its provision of traditional foods. In doing so it needs to understand the cultural significance of food in an environment where prisoners have been removed from their lands and are in a very real sense, dislocated from their culture.

Recommendation 10

That the Department form a working group with representatives from its predominantly Aboriginal prisons, with Aboriginal community representatives and with the Department of Health, to establish culturally appropriate meal options for Aboriginal prisoners and the process by which such meals could be delivered to prisoners on a routine basis.

Complaints and grievances

2.39 Complaints and grievance systems are a valuable and necessary component of a well functioning custodial service. Not only were they absent from Broome Regional Prison, there was strong evidence that prison processes and some staff actively discouraged them. In this respect, the focus on a written complaints system was particularly problematic, given the generally low English literacy rate of prisoners. The impact in Broome Prison was that complaints and grievances were not being aired and this is unacceptable. The Department should reconsider its approach to prisoner complaints and grievances and facilitate criticism so that it can identify and deal with prisoner issues before they escalate. Since this was the basis of a previous recommendation for Broome Prison which has not been addressed, this recommendation is restated.

Recommendation 11

That the Department develop a complaints process suited to the cultural needs of Aboriginal prisoners. Prison staff should also be consulted about their views on what would be an effective process. The process should be capable of operating at work camps as well as prisons, be cognisant of prisoners with literacy issues and be available to non-Aboriginal prisoners should they elect to utilise it.

Prisoner diet

2.40 The standard of food has improved markedly at Broome Regional Prison since the last inspection. The food provided to prisoners was fresh, healthy and plentiful. This improvement was acknowledged by prisoners in the pre-inspection prisoner survey,

in which 82 per cent of the respondents rated the food positively, and was consistent with prisoners' comments during the on-site inspection.

- 2.41 Canteen services, which were previously listed as one of the prison's service deficiencies, had also markedly improved. The canteen officer had worked hard to improve canteen systems, providing for a more streamlined service. The canteen officer also ensured that new prisoners were able to access the canteen as soon as possible. The canteen list was produced as laminated sheets with pictures of available products and these were promoted through the education centre as a literacy tool. In keeping with the initiative to increase healthier alternatives for a prisoner population for whom the risk of diabetes is high, the canteen's range of healthy food choices had been increased. Further, the price of the diet drinks had been reduced in order to encourage prisoners to choose these.
- 2.42 Other than the aforementioned lack of traditional food options, the only criticism of the diet provision at Broome Regional Prison was an ongoing deficit in the level of nutritional education provided. The promotion of healthier food choices and nutrition education are areas that communities across the Kimberley are attempting to address. While there had been an increase in the prison's efforts in this regard, more can be done. The prison needs to be playing a greater role in informing and teaching prisoners about healthy eating habits and how these habits can be continued upon release.

Health services

- 2.43 The Office found that the health service provided through Broome Regional Prison was characterised by good leadership, which has resulted in a strong team. They had good links to community-based health services and were very much aware that imprisonment represented a singular opportunity for many prisoners to access health services. Consequently, the health staff were opportunistically dealing with a range of prisoner health needs and were working to ensure prisoners were linked with community health services to ensure some continuity of care upon release back into the community. The quality and level of service provided to prisoners was impressive, especially given that due to an inability to attract nursing staff, the service was running at about 32 nursing hours a fortnight under its requirements.
- 2.44 Other resource problems were also uncovered and over-work issues were becoming evident. It was also problematic that no female general practitioner had been available for treatment of female prisoners since August 2006. In addition, as in the whole prison system, there was inadequate access to dental services. Although the Office recognises that there is little the prison can do to improve dental services, it is worth noting that the service deficit seemed to be greater in Broome than in other prisons recently inspected. In essence, the whole operation appears under-funded and professional support and development offered by the Department to health staff continues to decline.
- 2.45 Prisoners, and in particular female prisoners, raised the concern that they were being required to provide personal details to officers in order to access health services. This practice of triaging by prison officers is highly inappropriate and runs counter

to the otherwise excellent efforts the prison is making in promoting access to health services. A new system of seeking and reporting for medical attention needs to be implemented which does not encroach on the privacy of the prisoner, but nonetheless allows the process to proceed with the least amount of obstruction.

Recreation

2.46 At the time of the inspection, the provision for prisoner recreation was greatly under-serviced. Female and male secure prisoners had no, or very limited, access to structured recreational activity and even for the mainstream male population recreational options were severely limited. There was no integration of education and training into recreation and access to recreation options outside the prison were haphazard and very limited. This unacceptable state of prisoner recreation has been the case for a number of years now. In a prison as overcrowded as Broome and with so little to occupy prisoners during their out-of-cell time, this represented a very poor outcome indeed. Following the inspection, the prison advised that it had addressed these issues with the employment of a full-time recreation officer and the allocation of a specific recreation budget. A subsequent follow-up visit to the prison confirmed this. While this does represent a significant improvement in performance, the Office considers that this will need to be tested over time.

Support services

2.47 The Office expects regional prisons to have a large and well-developed network of support agencies and internal supports for prisoners. For Broome Regional Prison this includes:

- Internally – a prison support officer (PSO), prisoners in the peer support group, a women’s support officer (WSO), and nominally the Prisoner Counselling Service function (currently vacant).
- Externally – services provided by the Aboriginal Visitors Scheme, the Independent Visitor Service, Community Justice Services, the Aboriginal Legal Services, Men’s Outreach, the prison’s chaplaincy, departmentally sponsored initiatives such as the visiting Elders Program, and a range of less frequently involved community-based agencies such as the Women Individual Strong and Empowered Group and the Indigenous Service Committee.

Of particular importance for Kimberley prisoners are the Aboriginal Visitors Scheme and the services provided by the PSO and the peer support group prisoners.

The Aboriginal Visitors Scheme

2.48 The Aboriginal Visitors Scheme (AVS) is a laudable scheme, staffed by people within the Department with a genuine passion for helping Aboriginal prisoners. The scheme’s main focus is to ensure that:

- means are provided for reducing the likelihood of deaths and/or self-harm;
- conditions of those in custody improve through consultation, advice and information to decision-makers; and,
- Aboriginal community groups are properly informed about conditions of custody.

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- 2.49 Representatives from the AVS attend Broome Regional Prison every day, usually late in the day so that they can access all prisoners.¹⁴ The inspection team observed that AVS representatives tended to situate themselves in the common open-air area. In this way they made themselves available to a wide range of prisoners. Although the AVS was regular and freely available to most prisoners, the inspection team had a number of concerns about the effectiveness of the service that was being provided.
- 2.50 AVS records showed that the representatives generally interacted with the same prisoners. Further, the area where the AVS attended was not accessible to the secure prisoners – though the AVS representative did on occasion speak with the prisoners in the secure area through the grille. Such a static approach does not actively promote the services of the AVS, particularly to out-of-country prisoners who may find approaching the AVS representatives daunting. The practice, from a secure prisoner perspective, was also less than acceptable and would likely have increased their sense of marginalisation rather than decreased it.
- 2.51 In addition, an analysis of a random sample of AVS interview/contact forms found them to be consistently vague and lacking indication of the precise nature of the interaction or whether any follow-up action was required. Even in instances where the prisoner had approached AVS with a legitimate concern, there was no indication on the form as to whether or not this concern had been or should be addressed, or by whom.
- 2.52 This disconnection between the information gathered by the AVS and a plan, or even suggestion, of how to deal with the issues effectively, limited the ability of the prison’s management team to respond to the prisoner’s need in a timely fashion. Part of the problem appeared to be that the best time for AVS to be in contact with the most prisoners was late in the day, after management had left the prison. Both sides appeared frustrated that prisoner issues were not being dealt with. Some better mechanism needs to be found to ensure that issues raised by prisoners are followed up and dealt with if appropriate. This represents a wasted opportunity and must unnecessarily add to the frustration of prisoners.

Recommendation 12

That the Department comprehensively review the services of the AVS at Broome Regional Prison and put into place practices and procedures that would enable prisoners’ issues to be recorded and addressed in a timely fashion.

The PSO and peer support prisoners

- 2.53 The PSO and prisoners on the peer support group work together to support all prisoners and form a significant component of the efforts to reduce self-harm and suicide in prisons. Over time it has been noted that the peer support function in Broome Regional Prison has waned and at the last inspection, the PSO was struggling to hold a consistent team of peer support prisoners together. Consequently, the Office recommended that greater emphasis and support be placed on the roles of the PSO and of peer support. We were therefore pleased to find the peer support role was much rejuvenated at this inspection.

14 Including those who usually left the prison for Section 94 work or recreation activities.

- 2.54 The PSO had put together a good team with a fair representation of male and female prisoners from the East and West Kimberley. The peer support prisoners had undertaken the Department's training module and showed a strong awareness of their role. Other prisoners also appeared well-informed of the function of the peer support group. Minutes of peer support meetings were now being taken and issues from these meetings were being raised with the prison's management team. Further, the PSO was an accepted and valued member of the prison's management team.
- 2.55 Nonetheless, the impact of peer support still appeared minimal. There was little reported action against issues raised by the peer support group and it appeared to the inspection team that some prison officers were inappropriately offloading work onto the PSO. This was not assisted by the growing and substantial distance between some of the officers and the prisoner group, which resulted in the PSO and peer support prisoners being approached for assistance on matters that would be more appropriately dealt with by officers. All of this appeared to be symptomatic of wider issues within the prison. Once the prison's management and the Department address the issues raised in this report (in particular those covered under recommendations 2, 5, 7 and 16), the Office is confident that the contribution of the PSO and the peer support group to the welfare of prisoners will continue to strengthen.

Community contact

- 2.56 Broome prisoners regularly identify outside contact as a central component of their coping strategy. This contact mitigates much of the impact of the poor conditions under which prisoners are kept. Contact enables prisoners to maintain important family and community links and assists re-integration into their communities upon release. It also acts to dampen the risk of escape and provides a significant structured activity for prisoners, many of whom otherwise had very little to occupy them. In light of this, the Office has always considered that Broome should have a very strong and flexible approach to visits, telephone access and funeral attendance to maximise contact. This was found to be the case at this inspection, with prison management demonstrating consistent flexibility, compassion and commitment to maximising prisoners' access to family and community.
- 2.57 Notwithstanding the prisoners' excellent access to visits, the Office has previously raised concerns that visits were not being adequately supervised. These concerns were raised in the knowledge that Broome's prisoner population tended to have a high prevalence of prisoners with histories of domestic violence, other violence and sexual abuse. In response to a recommendation in the last inspection, management had made some changes to improve supervision of visits. Unfortunately, these efforts were insufficient to address the Office's concerns for visitor safety.
- 2.58 It was observed and confirmed by staff, that the officer on duty for visits was substantively occupied with the administrative aspects of visits. As a result, the officer was not able to adequately supervise the visits area. Additional roving patrols, instigated to address supervision concerns from the last inspection, were dependent on the availability of scarce officers and thus were infrequent and reliant on the officers being free of other duties inside the prison.

- 2.59 Non-contact visits were being conducted using the prison's punishment cells, with the visitor sitting outside the cell door. While it is recognised that the prison lacks a non-contact visit facility, the use of punishment cells for this purpose is unacceptable. Further, small items can be passed under the door, which defeats the non-contact purpose of the visit. This area was not manned during visits but was under camera surveillance through the gatehouse. As the senior gate officer is one of the busiest positions in the prison, non-contact visits were unlikely to be given the attention they deserved. Both this and the general supervision of visits should be addressed within the review of prison security called for under recommendation 4.
- 2.60 In regard to other community contact, the Office has regularly recommended that the Department review its funeral policy to better reflect the cultural significance of funerals to many Aboriginal prisoners and to minimise unnecessary barriers to their attendance. The Department has only recently implemented many of the improvements it internally identified as deficient more than four years ago. The new Absence Permit policy is a step in the right direction, but it was too early to tell at this inspection if the policy (Policy Directive 9) would result in more Aboriginal prisoners attending funerals. Certainly, the prison was, based on a sound knowledge of kinship and cultural ties, recommending a wide range of prisoners for funeral attendance.
- 2.61 As important as community contact is for the prisoners in Broome Regional Prison, the reality is that at the time of the inspection, there were many (209 at 28 February 2007) Kimberley prisoners held outside the Kimberley. It is also necessary to point out that East Kimberley prisoners held in Broome are also outside their country and isolated from their communities. Previously, the Office has recommended that the Department take a lead from Acacia Prison in regard to the management of prisoners imprisoned long distances from their communities.¹⁵ In general the prison should ensure that there is a system in place whereby prisoners who are imprisoned out-of-county are monitored and their particular needs met.
- 2.62 The Department's efforts in this respect have been disappointing. In response to the above recommendations the Department agreed to consider how to better service the needs of out-of-country Aboriginal prisoners and suggested that it had accomplished the spirit of these recommendations by providing inter-prison transfers for family visits, visits by video conferencing and, where necessary, interpreter services.
- 2.63 The manner in which the Department addressed these recommendations demonstrates how little they understand the complex needs of out-of-country Aboriginal prisoners and the poor regard they appear to have for their care. With Greenough, Roebourne and Broome prisons all full to overcrowding it is disingenuous to cite transfer of prisoners for visits as a primary mechanism to address out-of-country prisoner issues. Even if this was a viable mechanism, this response ignores the needs of these prisoners while they sit in prisons where their absence from country has profound social and cultural implications. There is no Departmental system in place to monitor the needs of these prisoners. Efforts to address

15 C. Staples, *Wongi Prisoners at Acacia: Evaluation Report* (May 2004)

their needs have been left very much to the largesse of the individual superintendents and the capacity of individual prisons, with no measurement of implementation and little in the way of support offered to identify deficits or develop strategies. Consequently, these issues remain and grow more distinct as the number of out-of-country Aboriginal prisoners from regions like the Kimberley continues to grow.

- 2.64 For its part, it was evident that Broome Regional Prison's management does attempt to return prisoners for significant events. This is supported on occasions by agreements with Roebourne and Greenough prisons and by Greenough's practice of intercepting Kimberly prisoners and holding them there rather than sending them on to metropolitan prisons. Broome also attempts to maximise the number of East Kimberly prisoners in its Wyndham work camp. Unfortunately, these efforts only go a small way towards meeting the needs of the hundreds of Kimberly prisoners held out of their country.

Recommendation 13

That where Aboriginal prisoners are held out of their country, the Department ensure that prisons have a specific plan and sufficient resources to address the impact of this dislocation on prisoners. In this regard, the recommendations from Acacia Prison's Staples Report should be considered a sound starting point.

REHABILITATION

- 2.65 The Department addresses the rehabilitation needs of prisoners at either a specific or general level. For prisoners identified as requiring specific intervention, the Department focuses its efforts on areas directly related to the prisoner's specific offending behaviour in the form of offence-based treatment programs. More generally, the Department also offers a range of services which attempt to address some of the antecedents of offending behaviour common to a wide range of prisoners. Examples of this include vocational skills training (to address some of the socio-economic antecedents of criminal behaviour) and cognitive skills training (to improve the judgement ability of the prisoner so that they can learn to make more constructive choices).
- 2.66 All of these rehabilitative efforts presuppose accurate assessment of the prisoner, the existence of programs and interventions to address offending, and some mechanism to promote the prisoner into programs and to track their progress. In the past, Broome Regional Prison has struggled in each of these areas. Historically, the prison lacked a dedicated treatment assessor and so prisoners were regularly placed in programs without any assessment of their eligibility, or were released without such an assessment. The assessment tools had not been validated for Aboriginal prisoners. Only one treatment program, IMMASU (which addresses Indigenous alcohol and substance abuse), was on offer and even this ran only sporadically. In addition, the mechanism for promotion of rehabilitation programs and monitoring the rehabilitative efforts of the prison (case management) did not function in any useful sense.
- 2.67 As described below, there has been considerable improvement in the rehabilitative efforts within the prison. Shortly after the inspection, the Department employed a case

management coordinator to address the deficiencies described above and in previous inspection reports and seemed intent on delivering meaningful prisoner management at this site. Although major deficiencies in program management remain at Broome Regional Prison, it appears that the Department is heading in the right direction to address the Inspectorate's concerns.

Programs

- 2.68 At this inspection the provision of targeted offence-based interventions had improved significantly. A women's support officer had been employed part-time in the prison to examine and address the needs of the female prisoners and a dedicated treatment assessor had been employed with a dual function as the Regional Programs Development Officer (RPDO). This latter position was not only responsible for identifying needs but also for developing programs and interventions to address those needs. A significant advance, commenced just prior to the inspection, was the departmental evaluation of assessment tools to improve the assessment of Aboriginal prisoners.
- 2.69 These are excellent initiatives with real potential. However, these initiatives are still in their infancy and tangible benefits could not be assessed at this inspection. The Office does have concerns about what the RPDO can achieve alone and notes that this role will have to be adequately supported and resourced by the Department in order for it to have any lasting impact.
- 2.70 The women's support officer had been functioning since 2006 at Broome Regional Prison and clear benefits to the female prisoners were evident. Two therapeutic programs addressing offending behaviour among women prisoners had been run in 2006. These were the *Female Northern Aboriginal Substance Abuse* program, which recorded 11 prisoners completing the program and the *Women's Anger Management* program, which recorded five women completing the program. While the number of participants appears small, it represents the majority of women in the prison at the time of these programs whose length of sentence was long enough to complete the programs. In addition, a much expanded program had been planned for 2007 involving four *Female Northern Aboriginal Substance Abuse* programs and four *Women's Anger Management* programs. The women's support officer had also been successful in advocating for women's issues within the prison and in delivering education and training in the areas of budgeting, life skills and exercise. These considerable achievements were realised because the prison had a women's support officer two days a week. Despite this, services for the female prisoners remained greatly under-developed and the prison would benefit from further assistance in this and related areas.

Recommendation 14

That the position of Women's Support Officer in Broome Regional Prison be extended to a full-time position.

- 2.71 At the time of the inspection, the Indigenous Men Managing Anger and Substance Use (IMMASU) program was the only treatment program available to male prisoners in Broome Regional Prison. This is a medium intensity program available to prisoners whose offending is directly related to moderate anger and substance abuse. More intensive anger and drug courses were not offered at Broome Prison and prisoners eligible for such programs were required to be sent to prisons offering these (typically in the metropolitan area).
- 2.72 The IMMASU program was delivered external to the prison by the contracted community agency Men's Outreach. This agency appeared to be providing an excellent service and the number of programs delivered had increased to around five, servicing 50 prisoners. While this is a significant improvement on the last inspection, provision for 50 prisoners is unlikely to meet the real programmatic needs of the prison's population. As the only local course available to male prisoners, it is of great importance to the throughcare of prisoners and to their eligibility for parole. It is disquieting then that after increasing the number of courses run over recent years, the Department was looking at cancelling this program.

Education

- 2.73 Education services were critical to the functioning of the prison and occupied around a third of prisoners, excluding the external work party. Despite its importance, education services have historically struggled at the prison. Fortunately, at this inspection it was evident that the situation had changed considerably and that further improvement was in train.
- 2.74 One of the basic limitations on education in the prison has been that for around 30 per cent of prisoners, their stay in the prison is insufficient to assess their education need and place them into courses. A second limitation is that the education facilities are inadequate. This has been recognised by the Department and the recently commenced prison upgrade includes a new education centre better suited to the provision of adult education. In addition, while refurbishment is underway, the Department has provided temporary accommodation for the education centre that should enable education to continue over this period. These are welcome advances.
- 2.75 Despite the limitations described above, the education centre had been able to deliver remarkable achievements including:
- recruitment of one of the best-qualified prison education teams in the state;
 - a significant increase in education enrolments;¹⁶
 - institution of methods to overcome problems of the often short stay of prisoners and their competing needs in regard to program participation and reparation;
 - a high (89%) completion rate, achieved by staff actively working with prisoners to ensure completion of units;
 - delivery of accredited courses;

16 According to figures contained in Department of Corrective Services, *Education and Vocational Prisoner Training at Broome Prisons 2006 Overview* (February 2007), this resulted in 40 per cent to 50 per cent of prisoners remaining in the prison during the day accessing education.

- a strong focus on literacy and numeracy, which was appropriate to the needs of the majority of the population;
- customisation of generic modules from basic education courses;
- incorporation of Indigenous cultural knowledge in all aspects of training; for example, use of local plants in horticulture and employing a local renowned artist to teach carving; and
- a vibrant vocational program and the development of an art gallery project which provided an outstanding application of enterprise based learning.

- 2.76 However, a number of problems still existed that would not be addressed by the new facilities.¹⁷ The most prominent were that there was very little integration between education, training and employment and that no traineeships were being or had been undertaken for some time. This lack of integration was detrimental to prisoners and to the community. In the majority of cases prisoners were not developing recognisable employment skills and the incentive to work or enter into education was diminished. Opportunities for incidental learning were reduced, as well as crucial pathways from basic training into more advanced courses.
- 2.77 There were notable exceptions to this in the work camp environment. For example, prisoners at the Bungarun work camp completed some industrial skills training (welding, metal fabrication skills) as well as some art-based courses and prisoners at Wyndham work camp completed non-accredited short courses for which they receive a certificate but no formal credit. However, at Broome Regional Prison only courses in horticulture based on maintenance of the prison grounds had been provided to some inmates.
- 2.78 This poor integration appeared to be due in part to practical limitations such as sentence length. Mostly though, it appeared to be because education staff and the VSO group do not appear to be able to agree on how and when training should be delivered. Illustrating this, external work was heavily focused on outputs for the community (reparation). A focus on training would take prisoners out of the external workforce and so, at least in the short-term, diminish community reparation. Despite the potential benefits for prisoners, the VSOs appeared resistant to losing prisoner-workers to training. While efforts to address this have been made on both sides, this impasse still remained at the time of the inspection. Overcoming this is likely to require refocusing of prisoner activity and clear direction from management. This was something which management were aware of, with the business manager committed to a review of both areas.
- 2.79 Because education is fundamental to prisoner activity and so few activities are available, the prison's administration requires the education centre to provide a full service to prisoners all year round. While this delivers appropriate benefits to prisoners, it is not without its consequences on staff workload, preparation time, and professional development. In light of its importance to the structured day and the rehabilitation of prisoners, the Department should consider innovative staffing models to enable the education centre to both run

17 Assuming that the new facilities address the absence of education for prisoners in the secure section of the prison.

all year round and to enable staff sufficient preparation time and access to professional development.

- 2.80 In the last inspection, the Office recommended that the Department ‘address the ongoing deficiencies impacting on education services at Broome Prison’.¹⁸ From this inspection it is apparent that the prison has made strong progress in this regard but that much more remains to be done, particularly in the area of linkage to training and functioning of the education centre.

Recommendation 15

That the Department consider innovative staffing models to enable the education centre to both run all year round and to enable staff sufficient preparation time and access to professional development.

Reintegration

- 2.81 Since the last inspection, the prison has made considerable progress in efforts to prepare prisoners for release and for return to their communities. Most of the multidisciplinary staff communicated well and regular meetings were planned. This included those involved with the delivery of programs, education, re-entry services, and community corrections. An Outreach and Community Transition Officer from Community Justice Services had been engaged to help prepare prisoners approaching parole with culturally appropriate information regarding the demands and conditions of parole. This officer was an Aboriginal woman who had extensive experience both in community corrections and with the Aboriginal Legal Service.
- 2.82 The Department had also provided funding support for an ‘Elders Program’. During the inspection, an elder brought a number of small kangaroos into the prison and cooked them in the ground for prisoners to eat. Efforts such as these were greatly appreciated by prisoners: it enables them to feel less isolated from their cultural practices and in this way assists their re-integration. In addition, the Broome Men’s Outreach Service was providing, under contract to the Department, a number of unique re-entry services to both the East and West Kimberley regions through a series of paid Aboriginal outreach workers/mentors located in Broome and in remote Aboriginal communities.
- 2.83 Each of these reintegration efforts represents a positive initiative and development. Yet they only progress the rehabilitation of prisoners in the Kimberley to the barest acceptable level. The Department is encouraged to strive to do more in this regard and to be more innovative in its approach.

REPARATION

- 2.84 All prisons engage prisoners in reparative activities. These include internal prison activities (such as activities to offset the cost of imprisonment), external prison activities involving prisoners accommodated within the prison (such as work parties) and work camps.

18 OICS, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 27 (March 2005) recommendation 35.

PHOTOGRAPHS



Entrance to Broome
Regional Prison.



Inside the medical
centre of Broome
Regional Prison.

PHOTOGRAPHS



Workshop used as a base for the prison's section 94 work party.



Outside the secure unit within the minimum-security prison that accommodates maximum and medium security prisoners, generally for short periods of time.

All reparative activities intend to deliver positive outcomes to the communities harmed by the offending actions of prisoners, but they also act to increase prisoners' personal responsibility for the harm they have caused; assist in re-integration of prisoners back into their communities; and offer practical skills training across a wide range of industry areas. For its part, Broome Regional Prison had placed significant emphasis on reparation. It has long been one of the highlights of the prison's activities and this inspection found it still to be so.

Industries

- 2.85 Broome Regional Prison does not have any prison industry; instead its focus is on its community-based workshop and work camps. These were the prison's major employers, but only accounted for around 30 per cent of the available prisoners. In the past, this has meant large numbers of prisoners congregating in their cells with little or no work responsibility. At this inspection the prison had made major advances in this regard. All prisoners not undertaking work outside the prison were allocated jobs. These jobs included work in the kitchen, laundry, garden, cleaning and general prison maintenance. Further, the structured day assigned specific times of the day to prisoner activities, which had resulted in better attendance at activities such as education.
- 2.86 Because of overcrowding, the large number of prisoners present in the prison meant that few prisoners could be employed full-time. Indeed, the prison's administration was committed to providing only a minimum of two hours work per prisoner per day. Although small, this is an improvement on the past and given the limitation to the industry on offer, is likely to be the best the prison can provide. Nonetheless, it does further highlight deficiencies in the prison's provision for other activity such as recreation and education.

External prison work

- 2.87 Each day 10 to 15 prisoners leave the prison to work under supervision in the community. To support this community work, the prison had established a well-equipped workshop out of town as the base its activities. The work undertaken in and around the town was highly valued by the shire and community groups, and the prison has consequently been awarded a number of commendations. Prisoners also appeared to appreciate the opportunity to work and enjoyed the respite that this gave them from the confines of the prison.
- 2.88 This represents the largest prison-based reparative activity of any prison in the state and has been a highlight of the prison's activities for many years. Consequently, the Office has recommended that other prisons follow Broome's lead and develop similar levels of community in-reach. Unfortunately, no other prison comes even close to Broome Regional Prison in this respect. This represents a significant opportunity cost to the community.

Recommendation 16

That the Department explore options for and fund appropriate prisons to develop the kind of highly integrated community-based reparative activity seen in the Kimberley.

- 2.89 However, during this inspection two deficiencies were identified. To its credit, the prison's administration was aware of both and the business manager was in the process of addressing them. The first issue reiterates the point made in the education section of this report: that with all the skilled work being done by the external work team, apart from basic safety training, no other formal skills training was being undertaken. This represented a major missed opportunity and is something the prison should address immediately.
- 2.90 The second was that the external work tended almost exclusively to benefit the non-Aboriginal Broome community rather than those most impacted upon by the crimes committed by prisoners in Broome Regional Prison; that is, Aboriginal people. To ensure a better balance to work undertaken, a review of the external work program was underway and the business manager was developing business cases for a greater emphasis on Aboriginal community organisations.

Work camps

- 2.91 Work camps are important to custodial management for a number of reasons. They provide an opportunity to provide reparation into communities distant from the prison; they support reintegration by providing prisoners with enhanced opportunities to strengthen community ties; and the work carried out provides real skilling opportunities. While work camps are important and are identified by the Department as a significant initiative, they have suffered over time from having been developed on shoestring budgets, using largely discarded state assets and from recent changes to the eligibility criteria which have markedly reduced the number of prisoners in the regions able to be placed in a work camp.
- 2.92 Broome Regional Prison has two work camps – one at Wyndham and one at Bungarun – each accommodating up to 22 prisoners. These work camps have always produced good reparative efforts but both have also suffered from poor infrastructure, limited resources and staffing, and lack of eligible prisoners.
- 2.93 At this inspection it appeared that while still only 50 per cent occupied, Broome Prison's work camps may have turned the corner. Conditions in the work camps and staffing ratios had been improved, there was evidence at both work camps that traditional foods were being caught by prisoners and their families and prepared on site, flexible visit arrangements were in place and the reparation was better targeted. Bungarun work camp, in particular, was almost unrecognisable in its improvements.
- 2.94 The difficulty in placing prisoners to its work camps was a persistent problem for the prison's administration and one recently made worse by changes to the process of receiving prisoners at the main prison. Wyndham work camp was set up with the intention to receive prisoners from court and to release prisoners directly back into their community. In this inspection, it was evident that this function had ceased. Prisoners were no longer being sent directly to the work camp due to complications in how their placement could be entered onto the Department's computerised prisoner management system. This example of technology driving custodial practice is unacceptable and undermines the Department's good efforts in respect of prisoner reparation.

2.95 Broome Regional Prison's work camps have shown considerable improvement since the last inspection and now represent best practice. In this regard it was unfortunate that process issues and strict eligibility criteria severely restrict the benefits able to be delivered to the community and to prisoners. The Office has consistently advocated for both an increase in work camps and an increased prisoner presence at the work camps. Essentially, the Department's inability to fill its work camps is both an issue of the size of the pool of eligible prisoners and the extent to which those prisoners are willing to go to a work camp. Both reflect the relative low priority given work camps as an integrated custodial service within the Department. Over the years, the Office has made many recommendations to address these issues which the Department has been slow to progress. Most recently, this Office's *Directed Review of the Management of Prisoners in Custody* gave detailed consideration to this matter and made more than a dozen recommendations.

Recommendation 17

That the Department review the limitations placed on the eligibility of prisoners to be placed at a work camp and the current incentives and disincentives for prisoners towards filling all available work camp places.

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

Recommendation	Acceptance Level/Risk Rating/Response
Administration and accountability	Supported subject to funding / Acceptable
1. That the Department, in conjunction with Aboriginal communities and agencies develop an Aboriginal focused custodial management service delivery model. In doing so, the Department should consider the content of this report.	In preparation for the West Kimberley Prison the Department is developing a service delivery framework that is culturally and environmentally focussed and aims to maximise the benefits for Aboriginal offenders. Amongst other considerations, the model values the principles of alliance contracting and the need for a community based prison board that advises on the appropriateness of services to Aboriginal offenders and the involvement of communities in their development and delivery. Consultation with the wider Aboriginal community will be a key component in the development of this framework with the learning expected to also benefit broader Aboriginal prisoner considerations within the Department.
Correctional value for money	Supported subject to funding / Acceptable
2. That change management processes at Broome Regional Prison be retained and supported by making funding available for prison 'change management' initiatives.	The Department is committed to the Change Management Program at the Broome Regional Prison and is currently preparing the request for tender for its management. The implementation of the subsequent initiatives from the program will be subject to their respective merits and funding.
Staffing issues	Supported / High
3. That Broome Regional Prison's staffing complement be immediately brought up to full strength. In addition, the Department should conduct a review of the prison's staffing allocation with a view to enabling it to meet the full service needs of the prison.	The Department supports this recommendation and aims to fulfil its allocated FTE level and complete a staffing review as provided.

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

Recommendation	Acceptance Level/Risk Rating/Response
<p>Care and wellbeing</p> <p>4. That the Department immediately review the situation of prisoners held in the security section at Broome Regional Prison and ensure that they have access to structured activities such as education, recreation and work.</p>	<p>Supported / Low</p> <p>The Department supports this recommendation and will complete a review as suggested.</p>
<p>Custody and security</p> <p>5. That once the funded upgrades to the prison are completed, the Department conduct a full security audit of the prison and rectify identified deficits.</p>	<p>Supported / Low</p> <p>The Department supports this recommendation and will complete a review as suggested.</p>
<p>Care and wellbeing</p> <p>6. That prison management increase the role and responsibility of peer support prisoners, including a formalised presence during the reception process and a role during prisoner orientation.</p>	<p>Supported</p> <p>The Department has since increased the role and responsibility of peer support prisoners at Broome Regional Prison who now provide a formal presence during the reception process and a role during prisoner orientation. Action complete.</p>
<p>Racism, Aboriginality and equity</p> <p>7. That the Department ensure that interpreter services are available and utilised by prison staff in appropriate situations. In circumstances where prisoner interpreters are utilised, the Department should ensure that they are appropriately remunerated, and if ongoing, examine the feasibility of obtaining accreditation.</p>	<p>Supported in part / Low</p> <p>The Department is currently consulting with relevant bodies with the view to enhancing the interpreter service in the contexts recommended. The Department supports the training, accreditation and remuneration notions and will develop and implement a suitable framework.</p>

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

Recommendation	Acceptance Level/Risk Rating/Response
<p>Staffing issues</p>	<p>Supported / Moderate</p>
<p>8. That the Department put into place rigorous and comprehensive efforts to ensure that bullying behaviour by staff at all levels towards other staff members is not tolerated.</p>	<p>The Department supports this recommendation and has established anti-bullying as a key inclusion on its strategic plan. The Department has established a strategic Anti-Bullying Committee that continues to identify and implement key anti-bullying strategies and initiatives including policy reform. Broome Regional Prison is currently developing and applying local workplace anti-bullying strategies and has appointed a Grievance Officer.</p>
<p>Racism, Aboriginality and equity</p>	<p>Supported / Low</p>
<p>9. That the Department ensure that all staff in Broome Regional Prison have regular access to personal and professional development activities that challenge intolerant or prejudicial views of Aboriginal prisoners.</p>	<p>The Department is committed to the development of its staff by providing access to personal and professional development activities. Staff at Broome Regional Prison will have increased access to training through the appointment of a Staff Training and Development Officer. At Broome Regional Prison all available staff (95%) have recently completed a locally developed Cultural Awareness Package facilitated by appropriate local people. It is intended that this will be carried out annually for all staff.</p>
<p>Racism, Aboriginality and equity</p>	<p>Supported / Low</p>
<p>10. That the Department form a working group with representatives from its predominantly Aboriginal prisons, with Aboriginal community representatives and with the Department of Health, to establish culturally appropriate meal options for Aboriginal prisoners and the process by which such meals could be delivered to prisoners on a routine basis.</p>	<p>The Department will form a working group as recommended to examine the viability of introducing culturally appropriate meals for Aboriginal people which meets Health Department standards.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Racism, Aboriginality and equity</p>	<p>Supported / Moderate</p>
<p>11. That the Department develop a complaints process suited to the cultural needs of Aboriginal prisoners. Prison staff should also be consulted about their views on what would be an effective process. The process should be capable of operating at work camps as well as prisons, be cognisant of prisoners with literacy issues and be available to non-Aboriginal prisoners should they elect to utilise it.</p>	<p>The Department supports this recommendation and is currently progressing a range of reforms to improve the complaints framework for Aboriginal prisoners in response to the Ombudsman's 'Own Motion' investigation into the Department's Prisoner Grievance Process. The Department has also established an Aboriginal Complaints Officer position within the Complaints Administration Centre due to commence in 2007 to provide cultural expertise in addressing complaints and grievances from Aboriginal prisoners. The Department undertakes to develop and implement a continuous improvement strategy with respect to its complaints framework to suit the cultural needs of Aboriginal prisoners both in prisons and at work camps.</p>
<p>Administration and accountability</p>	<p>Supported / Low</p>
<p>12. That the Department comprehensively review the services of the AVS at Broome Regional Prison and put into place practices and procedures that will enable prisoners' issues to be recorded and addressed in a timely fashion.</p>	<p>The Department will review the AVS service at Broome Regional Prison including current practices and policies to ensure whenever possible improvements to service delivery.</p>
<p>Racism, Aboriginality and equity</p>	<p>Supported / Low</p>
<p>13. That where Aboriginal prisoners are held out of their country, the Department ensure that prisons have a specific plan and sufficient resources to address the impact of this dislocation on prisoners. In this regard, the recommendations from Acacia Prison's Staples Report should be considered a sound starting point.</p>	<p>The Department will develop a specific plan in keeping with resource limitations that will have application to prisons to reduce the impact on prisoners who are out of country.</p>

Recommendation	Acceptance Level/Risk Rating/Response
<p>Care and wellbeing</p> <p>14. That the position of Women's Support Officer in Broome Regional Prison be extended to a full-time position.</p>	<p>Supported in part subject to funding / Acceptable</p> <p>Provision of the Women's Support Officer position in Broome Regional Prison and other regional prisons will be extended in keeping with resource limitations and demand levels. The allocation of this level 4 position as a full time position cannot be justified at this time given the small numbers of women held at Broome Regional Prison.</p>
<p>Rehabilitation</p> <p>15. That the Department consider innovative staffing models to enable the education centre to both run all year round and to enable staff sufficient preparation time and access to professional development.</p>	<p>Supported in part / Acceptable</p> <p>The Education and Vocational Training Unit is funded to provide services for 48 weeks throughout the year. Included in the 48 weeks for the service delivery is appropriate time for professional development, class preparation and staff meetings. The Department will undertake a review of the existing staffing models to ensure that sufficient time is allocated for professional development and administrative tasks while limiting any impact on service delivery.</p>
<p>Reparation</p> <p>16. That the Department explore options for and fund appropriate prisons to develop the kind of highly integrated community-based reparative activity seen in the Kimberley.</p>	<p>Supported in part subject to funding / Low</p> <p>The Department agrees to explore options and viable initiatives will be introduced, subject to available funding.</p>
<p>Reparation</p> <p>17. That the Department review the limitations placed on the eligibility of prisoners to be placed at a work camp and the current incentives and disincentives for prisoners towards filling all available work camp places.</p>	<p>Supported subject to funding / Low</p> <p>The criteria for work camps has been reviewed and stringent requirements related to imposing a designated period of time at minimum security before being eligible for work camp placement have been removed. In addition, the number of supervised activities required to be undertaken before consideration for work camp placement has also been removed. This is now reflected in the new Suitability for External Activities or Work Camp checklist. It is anticipated that the review of the assessment and classification system may provide</p>

THE DEPARTMENT'S RESPONSE TO THE 2007 RECOMMENDATIONS

Recommendation

Acceptance Level/Risk Rating/Response

additional eligible minimum security prisoners from which to recruit. This project is due for completion in September 2007. In relation to incentives, the Department is currently considering implementing a Reintegration Leave Absence for work camp participants based on the Queensland model. It is anticipated that this will act as a powerful incentive to participation.

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2005 RECOMMENDATIONS

Recommendation Number	By type of Recommendation/Duration	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
	REPORT NO. 27, REPORT OF AN ANNOUNCED INSPECTION OF BROOME REGIONAL PRISON .					
1.	<p>Administration and accountability of the Department / >3 years</p> <p>The Department should take a more active role in educating the public on prisons and prisoner related issues so that it has the capacity to address issues of public concern in a more measured way and after consideration has been given to the practical repercussions of policy and other proposed changes.</p>		•			
2.	<p>Correctional value for money / >3 years</p> <p>The Department should seek to replicate those aspects of Broome Prison which contribute to its strong community affiliation in other prisons throughout the state.</p>		•			
3.	<p>Administration and accountability of the Department / <3 years</p> <p>Urgent research and legislative response is required to address current imprisonment practices resulting in some half of the prison receives in this state involving prisoners who will exit custody without receiving a custodial sentence or who are imprisoned on default of fine.</p>		•			
4.	<p>Custody and security / <1 year</p> <p>The long tradition of mechanically restraining Aboriginal prisoners in this state should be an impetus to remedy the unnecessary use of restraints as a matter of priority, rather than become a basis for the continuing toleration of these practices into the 21st century.</p>			•		
5.	<p>Care and wellbeing / <3 years</p> <p>The Department should immediately review the situation of secure prisoners held in the cages of Broome Regional Prison to ensure that they have access to appropriate education, recreation and work.</p>		•			

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2005 RECOMMENDATIONS

Recommendation Number	By type of Recommendation/Duration	Assessment of the Department's implementations				
		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
6.	<p>Care and wellbeing / <1 year</p> <p>At the very least the Department should take immediate steps to ensure that all AIMS vehicles used for prisoner transport have the bare metal interiors coated with spray on foam rubber in accordance with this Office's report of 2001.</p>			Superseded by recommendations contained in Report 43, Thematic Review of Offender Custodial Services.		
7.	<p>Custody and security / <1 year</p> <p>The Department should urgently review and clarify its policies on allowing the mechanical restraint of minimum-security prisoners on transports to ensure that these policies are not unreasonably harsh and that the Department assumes responsibility for all four of the cornerstones of custodial management which it espouses. This review should be reflected in terms of its contract with AIMS.</p>			Superseded by recommendations contained in Report 43, Thematic Review of Offender Custodial Services.		
8.	<p>Custody and security / <1 year</p> <p>It is recommended that the Department recognise the difference between escapes by secure prisoners and those by minimum-security prisoners in its own performance targets.</p>		•			
9.	<p>Care and wellbeing / <3 years</p> <p>The Department should introduce a form of supervised leave for prisoners needing to address urgent family business.</p>			•		
10.	<p>Custody and security / <1 year</p> <p>The Department urgently needs to develop a coherent classification system which realistically estimates the security risk posed by Aboriginal prisoners, and in particular has the capacity to take into account relevant factors relating to remand prisoners and which also addresses those biases in the existing system which tend to over-classify Aboriginal prisoners.</p>		•			
11.	<p>Racism, Aboriginality and Equity / <3 years</p> <p>Before recruiting additional justices of the peace the Department should examine the remanding and sentencing practices of justices of the peace, particularly in regional areas, with a view to determining whether these are</p>			Lapsed		

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	consistent with current government policy objectives of having imprisonment as a last resort, reducing Aboriginal imprisonment and disallowing short-term incarceration.					
12.	Care and wellbeing / <1 year Until adequate regional facilities are available for regional prisoners, at the very least the Department should ensure that there is a system in place whereby prisoners who are (involuntarily) imprisoned elsewhere are monitored and their particular needs are being met, for example through access to regular visits, video link facilities and appropriate interpreter services or community contacts.		•			
13.	Racism, Aboriginality and Equity / <1 year The Staples Report should be considered by the Department and all prisons in Western Australia, including Broome Regional Prison, and its recommendations adapted and implemented for Aboriginal prisoners who are incarcerated long distances from their communities.		•			
14.	Staffing issues / <3 years The Department should urgently act to address the current staffing levels at Broome Regional Prison, which operates with the lowest uniformed staff to prisoner ratio in the state, with particular consideration given to its status as one of the highest receivable prisons in the state, to ensure that the reasonable needs of prisoners and staff are being met.	•				
15.	Care and wellbeing / <1 year The Department needs to ensure that interpreter services are available and utilised by prison staff in appropriate situations. In circumstances where prisoner interpreters are utilised, the Department should ensure that they are appropriately remunerated, and if ongoing, examine the feasibility of obtaining accreditation.		•			
16.	Care and wellbeing / <1 year If the prison is unable to ensure more active supervision of minimum-security visits at Broome Regional Prison		•			

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	through roaming patrols within its current staffing level, it should re-evaluate the current staff-intensive procedures for secure visits to ensure an appropriate balance between the overall positive character of the visits regime at Broome Regional Prison and meeting its obligations to visitors attending the prison's precinct.					
17.	Care and wellbeing / <1 year Where cell sharing is not at the election of prisoners, prisoners' preferences should be accommodated as far as possible and the Department should introduce a Shared Cell Risk Assessment procedure.			•		
18.	Health / <1 year Nutritional education of prisoners should occur, as is being undertaken at Wyndham Work Camp, followed by consultation with prisoners with a view to developing menus, and in particular diabetic menus, which are appetising to prisoners and are sustaining for those undertaking manual labour in harsh tropical conditions.		•			
19.	Racism, Aboriginality and Equity / <1 year Prisons must ensure that prisoners have accessible information about the origins of any non-commercially provided and/or prepared traditional foods so that they are in a position to make an informed choice as to whether they wish to consume that food or not, and alternative meals must be available.			•		
20.	Health / <3 years The Department should write to the Department of Health and seek to be involved as a stakeholder in the review of the draft Food Bill, to ensure that appropriate prison arrangements to ensure prisoner access to traditional foods are formally recognised.		•			
21.	Racism, Aboriginality and Equity / <1 year The prison and the work camps should use Section 94 releases to ensure that prisoners can access traditional food.		•			

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2005 RECOMMENDATIONS

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22.	<p>Health / <3 years</p> <p>The lack of medical staff access to computers at the prisons should be addressed as a matter of urgency to bring the health service into line with other General Practices and to improve safety and quality. The Project Ferret Population Health Management System, a computer-based recall and task-tracking system, should also be implemented.</p>			•		
23.	<p>Health / <3 years</p> <p>Most preferable would be that Broome Regional Prison had the capacity to (adequately) house all Kimberley prisoners, consistent with the Department's description of its role and function, and Broome Regional Prison was resourced to provide adequate healthcare and risk assessment of all its prisoners. If this is not possible in the immediate future, however, then some basic principles should inform the management of these prisoners:</p> <ul style="list-style-type: none"> • The AIMS transport arrangements should be varied so that there is more local flexibility in the service provided so that lockups may be cleared as required; • Broome Prison medical services and prison officers should be resourced so that prisoners who cannot be retained at that prison in the long-term can be subject to a preliminary medical and risk assessment, preferably so that such prisoners are detained at Broome Prison for no more than two nights; • Roebourne Prison retain capacity to hold all prisoners newly received from the Kimberley who cannot be held at Broome Regional Prison at least for the length of time required to conduct a full medical assessment, but preferably until Broome Regional Prison has the capacity to take them or they are free to return to the Kimberley. • Roebourne Regional Prison medical services be resourced so that there is the capacity to conduct complete medical assessments of all prisoners prior to any of them being transferred to other prisons such as Greenough or the metropolitan prisons. 			•		

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2005 RECOMMENDATIONS

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		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
24.	<p>Racism, Aboriginality and equity / <1 year</p> <p>The draft funerals policy of 2003 (Review of Policy Directive No. 9) appears to be a considerable improvement upon current arrangements and should be implemented as a matter of priority.</p>			•		
25.	<p>Care and wellbeing / <1 year</p> <p>The Department should:</p> <ul style="list-style-type: none"> • Create and fill a recreation officer position for Broome Regional Prison. • Allocate an adequate budget for recreation at Broome Regional Prison. • Include in the JDF for the position specific duties to: <ul style="list-style-type: none"> • allocate time and resources to recreation for women prisoners; • monitor the recreational equipment at the prison and the work camps and ensure that it is maintained at an adequate standard; • provide structured recreational activities; • develop external links so that prisoners can partake in external competitions; and • develop an incentive scheme in consultation with prisoners to encourage active recreation. • Ensure that Broome Regional Prison is not subject to generic restrictions which are the result of concerns about Section 94 at other prisons and in different contexts. 	•				
26.	<p>Care and wellbeing / <1 year</p> <p>Peer support meeting should be convened on a regular basis at Broome Regional Prison and documented, as should management responses to peer support requests. The use of peer support prisoners and meetings also should be trialled at the work camps.</p>			•		
27.	<p>Staffing issues / <3 years</p> <p>The Department should make sure that there are adequate staff available to meet the welfare needs of prisoners outside</p>		•			

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	of standard working hours, in particular consideration should be given to employing additional PSOs during these times.					
28.	Care and wellbeing / <1 year The Department should also provide basic training to peer support prisoners.			•		
29.	Racism, Aboriginality and equity / <1 year While AVS already provides a very important service to Broome prisoners the service might be improved by the review of the 'AVS Record of Interview/Contact' form, so that there is scope to record broader prisoner concerns about the operations of the prison.	•				
30.	Care and wellbeing / <1 year The Department should develop a complaints process in conjunction with relevant Departmental Aboriginal staff and in consultation with Aboriginal prisoners, which is suited to the cultural needs of Aboriginal prisoners. Prison staff should also be consulted about their views on what would be an effective process. The process must give prisoners confidence that they will not be subject to reprisals and must provide sufficient documentation to enable it to be monitored by external agencies to ensure the process's integrity. The process should be capable of operating at work camps as well as prisons and be available to non-Aboriginal prisoners should they elect to utilise it.	•				
31.	Administration and accountability of the Department / <1 year The Department should ensure that the very poor processes employed in the introduction of changes to the Section 94 regime are not repeated. It also should monitor the now approved changes to the Section 94 regime to ensure that these do not unreasonably shift the onus for meeting custodial cornerstones other than security onto individual employees.			•		

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32.	<p>Care and wellbeing / <1 year</p> <p>It is recommended that the prison review occupational health and safety issues relating to cannabis use.</p>			•		
33.	<p>Rehabilitation / <1 year</p> <p>It is recommended that a Programs Officer be appointed as a matter of priority to:</p> <ul style="list-style-type: none"> • address the availability of suitable programs for women prisoners; • investigate the possibilities for program provision at work camps; • develop innovative means, in consultation with prisoners' families and communities, for ensuring a broader family and community involvement in program initiatives; and • monitor the effect of the new Section 94 restrictions on prisoner access to programs. 			•		
34.	<p>Rehabilitation / <3 years</p> <p>Rural skills training as it is offered through Broome Regional Prison and TAFE provide a model of what can be achieved through the prison system, and should be adapted for other regional prisons' education/work projects.</p>			•		
35.	<p>Rehabilitation / <3 years</p> <p>A number of ongoing deficiencies were identified as a result of the Inspection which affect the otherwise exemplary education services of Broome Regional Prison:</p> <ul style="list-style-type: none"> • Additional resources should be provided to assist the education centre encourage a higher prisoner participation rate in education and training. • There is a need for larger teaching facilities. At present, programs including reading/writing, music, maths and OH&S are taught in one small demountable room. This limited space does not provide room for male and female prisoners to be separated for these classes, which is very often required. 			•		

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		Poor	Less than Acceptable	Acceptable	More than Acceptable	Excellent
	<ul style="list-style-type: none"> No education as such is provided to prisoners in the medium/maximum-security sections of the prison. The education centre provides the security sections of the prison with local newspapers, library books and crossword puzzles. As indicated previously secure prisoners' opportunity to undertake any meaningful activity at the Broome Regional Prison facility is grossly inadequate. Education staff identified visits and work as often taking priority over education and are also concerned that since prisoners had been given access to their cells 24 hours per day (from sometime in 2001), there has been a decrease in the numbers of prisoners involved in education. 					
36.	<p>Care and wellbeing / <1 year</p> <p>A clearer delineation of officers' allocated responsibilities under the roster, and particularly between officers and the PSO, would go some way to ensuring that prisoners received assistance as required.</p>		•			
37.	<p>Custody and security / <1 year</p> <p>The Department should ensure that practical steps are implemented to ensure that bullying behaviour by staff at all levels towards other staff members is not tolerated, and in particular that a culture of bullying does not become entrenched in Broome Regional Prison to the detriment of prisoners.</p>	•				
38.	<p>Staffing issues / <1 year</p> <p>The recruitment process itself and its value in identifying appropriate uniformed staff appears questionable and the Department has not evaluated its efficacy or success. It should do so.</p>			•		
39.	<p>Administration and accountability of the Department / >3 years</p> <p>In developing a custodial management strategy for the Kimberley data should be collated and assessed to</p>			•		

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
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	demonstrate the reasons why, in particular, Aboriginal people are being imprisoned in the Kimberley. The strategy should encompass far more than simply proposing more and bigger prisons. In particular the strategy should include specific practical proposals to reduce the incarceration of Aboriginal people, rather than simply reiterate this as a general strategy.					
40.	<p>Administration and accountability of the Department / <3 years</p> <p>Complementing the recommendation in the recent report on the re-inspection of Roebourne Regional Prison, the Department should devise a comprehensive and integrated long-term strategy for custodial management across the northern regions of the Kimberley and Pilbara, developed through consultation with Aboriginal peak groups, the northern communities, Broome and Roebourne Regional Prison management, uniformed and non-uniformed staff, the Prison Officers' Union, prisoners, external service providers and other government agencies within the northern regions.</p>			•		

Appendix 3

THE INSPECTION TEAM

Professor Richard Harding	Inspector of Custodial Services
Bill Cullen	Director Strategic Operations
John Acres	Principal Research and Policy Officer
Lauren Netto	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer
James Bryden	Inspections and Research Officer (seconded from the Department of Corrective Services)
Dr Steve Patchett	Expert Advisor, State Forensic Mental Health Service
Cheryl Wiltshire	Expert Advisor, Department of Education and Training

Appendix 4

KEY DATES

Formal notification of announced inspection	26 November 2006
Pre-inspection community consultation	10–11 January 2007
Start of on-site phase	11 March 2007
Completion of on-site phase	16 March 2007
Inspection exit debrief	16 March 2007
Draft report sent to the Department of Corrective Services	29 June 2007
Draft report returned by the Department of Corrective Services	10 August 2007
Declaration of prepared report	16 August 2007



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