

Appendix 1

THE DEPARTMENTS' RESPONSES TO THE 2012 RECOMMENDATIONS

| Recommendation | Acceptance Level/Response |
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| <p>Human Rights</p> <p>1. The Department of Corrective Services and the Department of the Attorney General commission comprehensive research into the factors driving the recent upward trend in remand numbers and identify whether any changes in law, policy or practice are desirable.</p> | <p>DCS: Noted</p> <p>Strategic Executive Services will consider the rise in the number of remand prisoners in the prioritising of research projects for 2013. This will require collaboration with the Department of the Attorney General.</p> <p>DotAG: Agrees in Part</p> <p>DotAG acknowledges that the remand prisoner population is complex in nature. The causes are also likely to be complex. Following the Coroner's Inquest into the death of Mr Ward, the Government undertook to review the operation of the <i>Bail Act 1981</i>. That review and a review of the <i>Sentencing Act 1995</i> have been completed and are under consideration by Government. Dependent on decisions by Government, both reviews are likely to provide an informed basis on which to determine whether or not the recent trend noted by the Inspector necessitates further research. Should this be the case, DotAG will consider inclusion of such research with Department research priorities.</p> <p>DotAG Action Plan:</p> <p>Reviews of both the <i>Bail Act 1981</i> and the <i>Sentencing Act 1995</i> have been completed and are under consideration by Government. Further research into the remand prisoner population can be undertaken but will depend on the outcome of the two reviews.</p> |

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| <p>Administration and Accountability</p> <p>2. The Department of Corrective Services work with the courts and the Department of the Attorney General to develop agreed protocols and procedures to ensure accurate legal documentation, timely communication (including the use of more efficient modern communication tools) and improved liaison channels.</p> | <p>DCS: Supported in Principle</p> <p>The Department acknowledges that protocol and procedures between courts and the Department can be problematic and will consider the viability of establishing a Court Users Group with all relevant stakeholders to improve both communication and the documentation process. The Department notes that the improved processes depend on the involvement and support of Department of the Attorney General and there may be budgetary and system implications.</p> <p>DotAG: Agreed in Part</p> <p>The e-Courts project is a significant effort being undertaken by DotAG with completion scheduled for August 2013. Included in this project is the Bail Module which is expected to resolve the issues identified by OICS.</p> <p>Aspects of the e-Courts project include the sharing of information between systems used by DCS, WA Police and DotAG.</p> <p>Some legislative changes are required to permit the electronic transmission of certain legal documentation. The relevant areas of DotAG, DCS, and WA Police are working together on these changes.</p> <p>DotAG Action Plan:</p> <p>DotAG will complete the e-Courts project including the necessary legislative changes by August 2013.</p> |

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| <p>Correctional Value-for-Money</p> <p>3. The Department of Corrective Services, with input and support from the Department of the Attorney General, judicial officers and the legal profession, develop improved facilities at Hakea Prison for video links to courts, including more video link facilities, adequate waiting areas, more options for the separation of prisoners, and improved safety, security and supervision.</p> | <p>DCS: Supported in Principle</p> <p>There are multiple aspects to this recommendation some of which will be addressed by the Departments Strategic Asset Plan. Subject to funding improvements to the specific issues raised in this recommendation will be addressed on a Departmental priority wide basis.</p> <p>DotAG: Noted</p> <p>Considerable effort has been made to maximise the use of AV and to improve the AV facilities at both courts and prisons. DCS currently has carriage of a joint business case to Treasury seeking to improve the infrastructure at prisons, WA Police locations and some courts. This will enable these departments to maximise the effective use of AV while also greatly improving the management of risks by establishing a support model.</p> <p>DotAG Action Plan:</p> <p>DotAG will continue to work with DCS and WA Police in the development of the business case for AV infrastructure.</p> |
| <p>Human Rights</p> <p>4. The Department of Corrective Services, in consultation with the Department of the Attorney General, judicial officers and other stakeholders:</p> <ul style="list-style-type: none"> i. Develop policies which clearly articulate the legal entitlements and needs of remand prisoners; ii. Implement strategies and practices to give effect to those policies at all of the state's prisons and detention centres; and iii. Ensure that the policies, strategies and practices which are adopted meet the obligations and legitimate expectations of modern legal practice and maximise the opportunities presented by modern technology. | <p>DCS: Supported – Existing Departmental Initiative</p> <p>This recommendation covers a number of aspects, some of which are in train and will be modified in line with our internal policy development and implementation processes.</p> <p>DotAG: Noted</p> <p>While DCS will need to be the lead agency for this, DotAG will participate in any working groups necessary.</p> <p>DotAG Action Plan:</p> <p>DotAG Directorate will assist DCS in this process as required.</p> |

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| <p>Administration and Accountability</p> <p>5. i. Improve senior management visibility in the prison; and</p> <p>ii. Improve communication and engagement between head office and the prison and between all groups of local management and staff.</p> | <p>DCS: Noted</p> <p>The feedback provided from the Inspection will be considered in accordance with standard leadership and management practices.</p> |
| <p>Administration and Accountability</p> <p>6. Drawing on the Department's strategic plan and the expertise of Hakea management and staff:</p> <p>i. Develop a specific charter for the prison addressing its vision, roles, culture and values; and</p> <p>ii. Develop business plans and local procedures to embed the charter and provide appropriate change management programs and supports.</p> | <p>DCS: Supported – Existing Departmental Initiative</p> <p>Business planning is standard Departmental practice and has been for a number of years. Current changes to the management team at Hakea will result in a renewed approach to the Prison's current and future ethos.</p> |
| <p>Custody and Security</p> <p>7. Open Units 11 and 12 as soon as possible. Articulate the role of these units in better meeting the needs and challenges posed by Hakea's diverse prisoner group, and develop the regimes for each unit accordingly.</p> | <p>DCS: Not Supported</p> <p>The provision of two new units (11 and 12) was part of an overall project to increase bed capacity across the Adult Male Estate and to that end will achieve its aim and purpose. The new units were never intended to provide specific accommodation for a particular cohort of prisoner and essentially provide additional capacity for Hakea. This additional capacity however, does provide the opportunity to review the current configuration of the whole prison to ensure best use of assets and resources.</p> |
| <p>Rehabilitation</p> <p>8. Remove the blanket ban on personal computers and develop a policy that, taking into account security concerns and best practice, provides access in accordance with prisoners' reintegration, legal and educational needs.</p> | <p>DCS: Not Supported</p> <p>There are too many security risks and resource implications associated with the provision of individual personal computers. The ongoing development of alternative strategies to address prisoner reintegration, legal and education needs will continue.</p> |

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| <p>Custody and Security</p> <p>9. Review gate house procedures, practices and resources to reduce the risks of contraband or unauthorised items entering or leaving the prison.</p> | <p>DCS: Supported – Existing Departmental Initiative</p> <p>There are ongoing reviews looking at gatehouse operations, broader security management and the Department Drug Strategy (which includes the reduction of contraband entering the prison).</p> |
| <p>Human Rights</p> <p>10. Ensure clear and comprehensive documentation is maintained with respect to:</p> <ul style="list-style-type: none"> i. The reasons why prisoners are placed into Unit 1; and ii. The exact regime under which each prisoner is being held. | <p>DCS: Supported</p> <p>Procedures will be reviewed to ensure compliance in that all prisoners who are placed into the Management Unit (Unit 1), under a regime other than standard supervision, will be provided with a documented regime that is known and observed by Staff and prisoners. These procedures will also clearly indicate the reasons for initial and/or continuing placement in the Management Unit including the date of review.</p> |
| <p>Human Rights</p> <p>11. Ensure that peer support prisoners, prison support officers, members of the Aboriginal Visitors Scheme and Independent Visitors have regular and routine access to Unit 1 and that records of such access are maintained.</p> | <p>DCS: Noted</p> <p>The Department is of the view that what is being called for in the recommendation is already happening and is standard practice.</p> |
| <p>Human Rights</p> <p>12. Ensure that appropriate medical supervision is incorporated into standard operating procedures with respect to the use of the restraints bed in order to reduce the risks of medical emergencies.</p> | <p>DCS: Supported – Existing Departmental Initiative</p> <p>The CCU is a dedicated facility designed for the specific purposes of the care and management of prisoners at imminent risk of self harm or suicide. It is not an appropriate facility for housing refractory or violent prisoners and as such these individuals are managed in a designated management unit within the facility. Policy Directive 5 is currently being reviewed and will include provisions and guidelines for the medical supervision of prisoners under restraint.</p> |
| <p>Custody and Security</p> <p>13. Construct a purpose-built, stand-alone Management Unit or substantially modify an existing unit to reduce risk and to meet established need.</p> | <p>DCS: Supported – Existing Departmental Initiative</p> <p>These facilities are being considered as part of the strategic asset planning process.</p> |

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| <p>Custody and Security</p> <p>14. Improve dynamic security by increasing staff patrols and promoting stronger and more positive staff-prisoner interactions.</p> | <p>DCS: Supported In Principle</p> <p>The Department supports continuous improvement in this area and the importance of patrolling and positive interaction communicated through corporate values/behaviours and by management on the units. Staff Patrols are provided by designated Officers on the Units and Recreation Areas, and positive interaction with prisoners is evident and encouraged. All Staff will be reminded of the importance of good interpersonal communication with prisoners and the contribution this makes to improve dynamic security.</p> |
| <p>Staffing Issues</p> <p>15. Increase staff numbers in the Hakea health centre (both medical and administrative) in order to improve service delivery and promote continuous improvement.</p> | <p>DCS: Supported In Principle</p> <p>The Department is continually evaluating staffing needs and service delivery outcomes subject to standard budgetary management.</p> |
| <p>Rehabilitation</p> <p>16. Provide additional addictions group places and throughcare counselling for remandees.</p> | <p>DCS: Supported In Principle</p> <p>As above in 15.</p> |
| <p>Health</p> <p>17. Provide the nicotine replacement therapies and QUIT groups required to support the implementation of the smoking reduction policy, as originally intended.</p> | <p>DCS: Noted</p> <p>The Department is currently assessing the future direction of the smoking reduction strategy and this recommendation will be considered as part of that assessment.</p> |

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| <p>Health</p> <p>18. Hakea management support and promote the initiative to extend the food safety program to the accommodation units to help control pest infestation.</p> | <p>DCS: Supported – Existing Departmental Initiative</p> <p>In May 2012 the Hakea Operations Team instigated a 'Cleaning and Pest Control Program' for the whole of Hakea, especially the accommodation units. This involved the following;</p> <ul style="list-style-type: none"> • Contracting an independent Professional Pest Control company to assess the problem at Hakea and to recommend preventative measures. • The introduction of improved professional cleaning products to address ALL areas within Hakea that were also 'environmentally friendly' in line with Government recommendations. • The introduction of a cleaning program for all accommodation units which is monitored. • Assurance that ALL 'Kitchen workers and Regithermic worker' would have to attend the 'Food Safe' program, prior to or during their employment. • That ALL new prisoners to Hakea would partake in a shortened version of the 'Food Safe' program. This is currently being developed by the catering manager to be incorporated into the prisoners 'Orientation Package'. |
| <p>Health</p> <p>19. In order to minimise the spread of blood-borne viruses and the risks of infectious disease transmission, implement improvements with respect to:</p> <ol style="list-style-type: none"> i. The monitoring and enforcement of hygiene and infection control practices; ii. Immunisation screening and programs; iii. Harm minimisation strategies including the provision of bleach or other cleaning agents; and iv. Education about health and hygiene. | <p>DCS: Supported – Existing Departmental Initiative</p> <p>The Department already has a process to manage the transmission of blood borne viruses and infectious diseases which is regularly monitored.</p> |

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| <p>Care and Wellbeing</p> <p>20. Actively promote and actually utilise Skype or other similar technologies to enable social contact, both as an alternative and as an addition to personal visits.</p> | <p>DCS: Supported – Existing Departmental Initiative</p> <p>The Department implemented Skype in a number of sites over the past 18 months, including the use of Skype for social contact to supplement personal visits. The Department has and will continue to evaluate risks , opportunities and improvements in utilisation of Skype and other similar technologies.</p> |
| <p>Care and Wellbeing</p> <p>21. Improve recreation opportunities at Hakea by providing better facilities (especially the gymnasium and oval maintenance) and by ensuring that sufficient recreation officers are on duty.</p> | <p>DCS: Supported in Part</p> <p>Hakea currently has sufficient recreation staff in line with its approved FTE level. An additional oval has now been provided and all recreation areas are subject to routine maintenance. At this point in time, the provision of a gymnasium is not a priority.</p> |
| <p>Health</p> <p>22. Review the provision of mental health services at Hakea Prison with a view to improving service delivery. This should include:</p> <ul style="list-style-type: none"> i. A placement option which provides a mid-way point between the Crisis Care Unit (CCU) and mainstream placement for those prisoners who need longer term mental health care or who need a staged transition out of the CCU; ii. Improved staffing levels; and, iii. Better integration of the Prisoner Counselling Services. | <p>DCS: Supported</p> <p>A review will be carried out.</p> |

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| <p>Health</p> <p>23. The Department of Corrective Services work in collaboration with other departments and agencies to drive comprehensive systemic reforms to mental health services for prisoners and juvenile detainees. This should focus not only on achievable outcomes within the state's correctional facilities but also on more options for acutely unwell prisoners to reside in designated forensic mental health facilities.</p> | <p>DCS: Supported – Existing Departmental Initiative</p> <p>The Department has been working with the relevant agencies for some considerable time including the Mental Health Commission, the Disability Services Commission and the Department of Health to achieve outcomes as expressed in this recommendation.</p> |
| <p>Racism, Aboriginality & Equity</p> <p>24. Improve the processes and systems for identifying 'out of country' prisoners at Hakea and other prisons, and for meeting their needs.</p> | <p>DCS: Supported in Principle</p> <p>The identification of such prisoners is somewhat reliant on self disclosure at a point in time. Therefore the numbers of out of country prisoners is subject to change as information becomes available. The need for ascertaining accurate information on induction will be reinforced.</p> |
| <p>Racism, Aboriginality & Equity</p> <p>25. Reinvigorate the Prison Aboriginal Services Committee at Hakea Prison and use this committee to assist in developing improved strategies for the management of Aboriginal prisoners and better coordination of services.</p> | <p>DCS: Supported</p> <p>The Prison Aboriginal Services Committee will be reinvigorated and the comments made by the Inspection Team will be considered accordingly.</p> |
| <p>Human Rights</p> <p>26. Ensure that the policy relating to the management and treatment of foreign national and culturally and linguistically diverse prisoners is finalised and implemented within six months.</p> | <p>DCS: Supported – Existing Departmental Initiative</p> <p>This is in the final stages of drafting and will be completed in the near future.</p> |

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| <p>Human Rights</p> <p>27. Rescind the provisions of Assistant Commissioner Custodial Operations (ACCO) Notices 8/2011 and 14/2011 which prevent certain foreign national prisoners from remitting to their families monies which they have earned in prison.</p> | <p>DCS: Noted</p> <p>This is a matter for consideration by the State and Federal government and a number of discussions have taken place.</p> |
| <p>Reparation</p> <p>28. Ensure that there are better opportunities for employment and skill development at Hakea and that the gratuity system positively promotes active engagement by prisoners.</p> | <p>DCS: Supported in Principle</p> <p>Hakea supports the aim to maximise employment opportunities for prisoners. Since the inspection VSO vacancies have been addressed providing more employment opportunities. In line with these work opportunities the prisoners' gratuities profile will be reviewed to reflect the above. What must also be considered is that Hakea is a remand facility and as a result full employability is restricted.</p> |
| <p>Staffing Issues</p> <p>29. Provide an additional FTE to take over some of the responsibilities currently being performed by the Industries and Facilities Manager.</p> | <p>DCS: Supported in Principle</p> <p>Hakea supports this recommendation and a business case has been created for consideration of abolishing an existing position to create an industries manager within Hakea's approved FTE.</p> |