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Report No.



**Report of an Announced
Inspection of Bunbury Regional Prison
December 2002**



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES
WESTERN AUSTRALIA

**Cover photo: The Aboriginal meeting place
at Bunbury Regional Prison.**

**Report of an Announced Inspection of Bunbury
Regional Prison - December 2002**

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The Inspector's Overview

THE NEED FOR A ROBUST COMMITMENT TO THE CORRECTIONAL ROLES OF REGIONAL PRISONS, INCLUDING BUNBURY

The shadow of closure

As this Report clearly shows, at the time of our inspection (December 2002) Bunbury Regional Prison was performing well – not without blemish, but competently, professionally and purposefully. It was one of the four or five prisons in the State that leaves the Inspectorate with the sense that relatively straightforward fine-tuning will bring it quickly up to a very good standard.

What an irony, then, that before and after our inspection a shadow of possible closure hung over it. The shadow had first become apparent early in 2002, when a decision had been made to close the minimum-security unit. This had arisen out of the fall in prisoner numbers, both across-the-board and, in particular, within the public prisons now that the privately-managed Acacia Prison had become fully operational. The consequence of this closure had been a reduction in staff numbers. However, the Department of Justice had not carried out this exercise with a great deal of sensitivity, and staff had become rattled and angry.¹ There was still a pervasive sense of uncertainty at the time of our inspection, and this had been fired up again by the fact that the Government had announced that a Functional Review Task Force was looking at all Departments with a view to rationalising activities and reducing outlays. There was a strong (and, as it turned out, accurate) suspicion that one or more regional prisons might be targeted, and Bunbury personnel feared that their prison might be near the top of the list.

How could such a situation come about? Why would anyone seriously contemplate, in a business that is so tricky, closing down something that works well? Bunbury Regional Prison was secure, well-accepted by the community, coping well with a difficult sub-set of the prisoner population (sex offenders), and catering for local needs by housing a substantial number of people from the Peel Region. By any sensible criteria, closure would seem to be the height of perversity.

One reason why the notion ever got any legs – and I should, perhaps, pass over this quite quickly – is that the Task Force was quite ignorant of prisons policy and made no worthwhile effort to inform itself.² The motivating factor seemed to be financial – to save money by whatever means.³

The other contributory explanation might well have been that overall policy relating to regional prisons was still not sufficiently developed. Misguided proposals are more likely to founder at an early stage in deliberations if the case against them is well understood and cogently articulated by the affected parties. The Department had certainly in recent years moved along the path towards

¹ A parallel process, carried out with even greater insensitivity, had occurred a little earlier in relation to Albany Regional Prison.

² It did not speak to the Executive Director Prisons (DOJ) nor to me. In my own case I wrote offering my advice and followed up with several phone calls.

³ Yet even in this respect their grasp of the issues was naïve and superficial. The cost of staff redundancies would have made closure of any prison a more expensive option in Year 1 than continuing operations, and in any case the particular prison would have had to be mothballed (not a cost-neutral matter) against the day when it would have needed to be re-opened, with expensive start-up costs.

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achieving this – for example, by the creation of a position of Director of Regional Prisons and by a comprehensive prison profiling project – but in 2002 it still fell short of the kind of confident and clear-cut position that would have caused a Task Force to back off.

Thus it was that in December 2002 the Bunbury staff were preoccupied with the possibility of closure and job losses. In the event, the Attorney-General was able, through energetic advocacy within Government, to resist the Task Force recommendation to close one or even two regional prisons; but the fears of the staff had been well-grounded. In that respect, I should add that although the prison was operating reasonably well, it was actually performing a little less satisfactorily than our numerous contacts over the previous two years had led us to expect. That was a direct consequence of the contemporary uncertainties.

Regional prisons policy

It is in the above context that regional prisons policy generally can usefully be addressed. In doing so, one must be mindful of the impact of distance on regional prisons. In a State of two and a half million square kilometres, a policy debate simply cannot take place around the notion that prison facilities, any more than hospital or educational facilities, can be withdrawn from regional areas. On the other hand, one cannot necessarily expect comprehensive or specialist services to be equally available in every regional area – again paralleling the position with education and health.

So what should an integrated regional prisons policy look like? What services should it cover? In attempting to address these questions, it is crucial to acknowledge that the notion of ‘regional’ largely equates with ‘Aboriginal’⁴ for at least four of the regional prisons – Broome, Roebourne, Greenough and Eastern Goldfields (Kalgoorlie–Boulder). There is also an important overlay relating to the availability of regional services for women prisoners, and this will be discussed separately.

First, custodial matters are paramount. At the very least, regional prisons should be able to hold maximum-security prisoners from the relevant region for long enough for their longer-term disposition to be worked out. If they are awaiting trial, this would mean during the remand period or at least that part of it for which defence lawyers need access to the prisoners. Each of our regional prisons – the above four plus Bunbury and Albany – can do that. The main question mark relates to the quality of the conditions under which they are held.

Next, regional prisons should be able to hold those short-term prisoners who are rated as minimum-security for the duration of their sentence. Shifting prisoners, particularly Aboriginal people, away from their own areas and family support systems to serve a short sentence is unacceptable.⁵

⁴ Elsewhere, an ‘Aboriginal prison’ has been defined as one where the normal population most of the time consists of 75% or more Aboriginal prisoners.

⁵ This problem – a chronic one in the past – may be on its way out with the impending passage of legislation that makes sentences of less than six months unavailable, requiring courts to sentence offenders who seem to fall into such a category to a community sentence of some kind.

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Another way of putting this point is to say that regional prisons should be ‘local prisons’. In that respect, the objective should be to ensure that medium-security prisoners also can serve the bulk of their sentences in their regions. That is not an objective that can be met at the present time.

Third, current Government policy rightly puts great emphasis on ‘re-entry’ into the community. In other words, it recognises that family support systems and a sense of belonging are factors that, upon release, tend to optimise the chances of not re-offending. That being so, end-of-sentence minimum-security facilities should be available in each of the regions. In assessing whether this is so, account should be taken of the availability of work camps. In that regard, Departmental policy is under-developed, though improving.

So far emphasis has been placed upon the ‘hostel’ aspects of prisons – what sort of accommodation is available for which category of prisoner. But regional prisons must also contribute their parts to the overall prison system – custodial, rehabilitation, reparation. In theory, planning for re-entry should start on the first day of receipt. Each regional prison may well have a different role from some or all of the others at this level – one that must be seen in the total context of State-wide prisons services. Such a role may, for example, relate to offender programs or drug treatment or the management of difficult sub-sets of prisoners or work-skilling and so on. In other words, regional prisons policy is both an aspect of regional policy and an aspect of overall correctional policy.

Current roles

At present, it cannot really be said that the regional prisons reflect a coherent set of policies, such as the above. They have evolved at different times in different ways to meet pragmatic needs. Whilst this is understandable, the opportunity now exists to re-define their roles somewhat so as to better meet overall correctional and custodial purposes. Brief profiles of each prison will help bring this out.

Broome Regional Prison

Broome is the most local of the regional prisons, catering above all for the Kimberley population. Minimum-security prisoners with short sentences typically remain there for the duration, and long-term Kimberley prisoners return there as their security classification comes down to the appropriate level. Maximum-security prisoners are mostly held there for only a short time, for conditions are poor. If on remand, they may well be sent as far as Casuarina, certainly to Roebourne or Greenough. Medium-security prisoners are sent south – to Roebourne or Greenough or even, exceptionally, to Acacia.⁶

⁶ At the recent Inspection of Greenough Regional Prison (May 2003), it became apparent that a substantial number of both medium - and minimum-security prisoners from the Kimberley were serving sentences at Greenough. Note that these prisoners were not even in adjacent areas but had been transferred on the basis of Departmental convenience in managing its accommodation needs and without regard to welfare or case management issues. To compound matters, because of crowding issues Broome was reluctant to take them all back even to be released. In that sense Broome’s role as a local prison was being eroded.

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Whilst there are excellent community links, epitomised by robust Section 94 programs – something that is important from the point of view of the re-entry philosophy – there is very little in the way of offender programs. Two work camps hang off Broome – at Bungarun (near Derby) and Wyndham. The latter takes prisoners straight from court; in other words, prisoners' classification is done rapidly upon conviction and if they are minimum-security they can be kept in their own East Kimberley region. This is excellent practice.

In summary, Broome's rationale is very much that of a local prison with local offshoots for local prisoners. Its role is, in a sense, to keep prisoners away from the other parts of the system, as far as that is feasible.

Roebourne Regional Prison

Roebourne is effectively the main medium-security prison for the Kimberley/Pilbara regions. As such, it is expected to develop Individual Management Plans for prisoners, and to deliver offender programs. However, it is not really resourced to do the latter to an adequate standard; thus, we find Pilbara prisoners at Bunbury, for example, doing sex offender treatment programs.

In terms of the re-entry strategy, the Millstream work camp is important and seems to be successful. However, it can only handle small numbers. Apart from that, however, Roebourne is not really suitable for long-term Pilbara prisoners who are approaching the end of their sentences and have attained minimum-security status. Seen as a local prison where final preparations for re-entry can be achieved, it does not really fulfill its expected role.

Greenough Regional Prison

Greenough has security arrangements that enable it to handle the whole gamut of prisoners in the system. Its own catchment area is very extensive and it is a local prison for those purposes. But it also is the repository for a wide range of prisoners from points north and east.

Its Section 94 activities are excellent, as are its in-prison industries. It has a wide degree of community support. However, there are no work camp facilities⁷ and from the point of view of re-entry this is a hiatus. Its offender programs are poor, however, meaning that prisoners may have to go south to a more daunting metropolitan prison to participate in some core programs.

Eastern Goldfields Regional Prison

This is very much akin to Broome in terms of the role it is expected to play, except that to this point Broome does it very much better. Eastern Goldfields suffers from the fact that it is extremely difficult in the Kalgoorlie – Boulder area to elicit committed community support for Aboriginal

⁷ There are limited overnight Section 94 facilities at Warramia, 150 kilometres south.

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advancement programs, such as Section 94 activities. In this context, it is not surprising though it is certainly regrettable, that the prison has not been able to establish a work camp.

Medium- and maximum-security prisoners cannot appropriately be held for long periods at Eastern Goldfields, with the consequence that one encounters groups of very unhappy Wongai prisoners at Acacia and even at Greenough prisons.

The re-entry strategy cannot energetically be pursued at Eastern Goldfields. The practical reality is very much that of warehousing prisoners in poor conditions that the Department has recently been endeavouring to improve.

Albany Regional Prison

As the first of the regional prisons that is not also an 'Aboriginal prison', as defined, Albany would be expected to play a somewhat different role. Its great achievement is that it has been able successfully to manage difficult maximum-security prisoners, either for the long-term or as 'time out', who have posed management problems in other prisons, usually Casuarina. Generally, it has also been able to manage long-term prisoners, whether 'difficult' or not. The staff and management team are experienced and confident.

It is also a local prison, though much less so than any of the Aboriginal prisons or even Bunbury. Two work camps are associated with the prison – Walpole and Pardelup. Walpole has performed excellently and is widely supported by the local community, but numbers are becoming very low. Pardelup is still attempting to come to grips with a new role since its status shifted from prison farm to work camp (our forthcoming Report on the Inspection of Albany Prison discusses this in detail). Although some of the current activity around work camps is fragile, Albany Prison, nevertheless, is an active player in the re-entry strategy.

Bunbury Regional Prison

As this Report shows, Bunbury is integral to the ability of the Department to deliver intensive sex offender treatment programs. Apart from Casuarina and Acacia,⁸ it is the only prison that does so. Sex offenders have been a major element of the prisoner population for such a long time that there appears to be acceptance of this – or at least no overt opposition – in the local community.

Bunbury is also very much a local prison, accommodating prisoners from the Peel Region. That role appears to be increasing somewhat. However, it is not able to fulfill a re-entry role, lacking both an effective Section 94 program and a work camp.

⁸ Acacia is at this stage not in fact delivering intensive programs even though, on one view of the contract, it was expected to do so.

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Fitting current roles to correctional needs

From the above brief profiles, it can be seen that the role of regional prisons has not yet been fully developed. They could be doing more or doing better.

Whilst it may be unrealistic to expect the Aboriginal prisons to take a significant part of the offender program load off the metropolitan prisons, nevertheless Roebourne and Greenough fall short of expectations in this respect, whilst Broome and Eastern Goldfields could identify some aspect that is relevant to their predominantly local populations and build it up. In terms of the ability to facilitate re-entry from prisoners' local prison, Bunbury (non-existent minimum-security accommodation, no Section 94 programs and no compensatory work camp), Eastern Goldfields (no viable Section 94 programs and no work camp) and Roebourne (poor Section 94 programs and limited work camp activity) fall short of good practice.

In terms of contributing to overall correctional policy outputs, the Department could utilise Albany, Bunbury and Greenough better. Protection prisoners are poorly managed at Hakea,⁹ Albany has a proven ability to manage these prisoners (at least in small numbers hitherto) back into mainstream; it also has a spare unit newly refurbished; and moving such prisoners to Albany could be a viable way of taking the pressure off Hakea. Bunbury is very much a 'programs prison', with a culture supportive of that aspect of correctional activities, and could readily cope with the notion of housing a 'therapeutic drug treatment community' in part of its self-care section, particularly if the minimum-security unit were re-opened and internal accommodation thus freed up.¹⁰ Greenough previously took the pressure off Bandyup by accommodating substantial numbers of women prisoners, and though our Greenough Inspection Report will state that this should not recur, it is evident that the prison has a capacity to manage special groups.

To summarise. Regional prisons should as far as possible cater for local needs. In trying to do this, some aspects may have to give way to others. For example, there is a danger that catering for long-term maximum-security prisoners might fatally distort other numerically more cogent needs. Regional prisons should also develop an enhanced, albeit necessarily limited, ability to deliver offender programs. Re-entry arrangements should be given priority in each of them (and in that regard a properly balanced strategy for work camps – better called Re-entry Correctional Centres – must be developed). Each prison should examine what, if anything, it can best contribute to State-wide correctional strategy, with the likelihood that it will be the southern prisons that potentially have the most to offer.

⁹ See Report No. 15, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice* (Office of the Inspector of Custodial Services, Perth, 2003), pp. 22–40.

¹⁰ The Justice Drug Plan, May 2003 (Department of Justice, Perth) lists amongst key elements of the Drug Plan the introduction of two drug-free units in WA prisons, including one regional prison, and investigation of the efficacy of a prison-based therapeutic community for drug treatment.

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With regard to the imprisonment of women, regional prisons – even those four that hold women – are fundamentally men’s prisons. There are two reasons why this is so. First, males make up the overwhelming majority of the prisoner population; and second, the business of imprisonment – structures, processes, regimes – is masculine. Women prisoners in regional prisons are ‘understood’ and managed through a prism of masculinity. We have pointed out elsewhere¹¹ that despite their small numbers women, particularly those in ‘Aboriginal’ prisons, must have the opportunity to serve their time locally and have their needs ascertained and met from a women-centred perspective.¹² In determining the role, scope and responsibilities of regional prisons, both as regional resources and in terms of overall correctional strategy, equal but separate consideration must be given to women prisoners and their needs.

Conclusion: the place of Bunbury

The point, for present purposes, is that Bunbury is a local prison and a programs prison and is doing some things that cannot be done as effectively in a metropolitan prison. It should not have had to struggle to justify its existence. Closure of the minimum-security section has compromised its role and this possibly made it more vulnerable to misguided threats of closure. Similar points can be made about the other regional prisons.

The Department needs now to develop and clarify its regional prisons policy in a context where closures are simply not on the agenda, unless it be for the purposes of replacement and improvement. Bunbury Regional Prison is integral to overall correctional policy and practice in Western Australia.

Richard Harding

Inspector of Custodial Services

28th May 2003

¹¹ Report No. 6, *Announced Inspection of Broome Regional Prison* (Office of the Inspector of Custodial Services, Perth, 2001).

¹² See further Report No. 13, *Announced Inspection of Bandyup Women’s Prison* (Office of the Inspector of Custodial Services, Perth, 2003).

Chapter 1

BUNBURY REGIONAL PRISON IN FOCUS

HISTORY

- 1.1 Bunbury Regional Prison is located 11 kilometres outside the Bunbury town centre, and about 180 kilometres south of Perth. The prison was commissioned in 1971 as a rehabilitation centre for male first-offenders under the age of 25, with the capacity to accommodate 68 young offenders in single-bed cells.
- 1.2 In 1982 the operation of the prison was extended, with the addition of a dedicated minimum-security accommodation section outside the main security fence. The primary purpose of providing these 27 beds was to enable those prisoners to work at the six-hectare market garden located adjacent to the western boundary of the prison fence. The market garden replaced a Department of Justice facility closed at Brunswick Prison that had previously provided fresh produce to the prison system. The market garden continued this function at the time of the Inspection in December 2002.
- 1.3 While these prisoners slept and ate in the new section, essential services such as medical care, education, recreation and program delivery were accessed inside the secure fence. A further ten beds were added to this section in 1996. In June 2002 this section was closed in an effort to rationalise resources, and the minimum-security prisoners were moved back within the main prison.
- 1.4 The prison had experienced a number of significant infrastructure changes in 1992. Most significantly, the prison was upgraded from a multifunctional security to a genuine medium-security facility, with the addition of a new high-security fence and a sophisticated electronic surveillance system. Ten self-care units were also built during this time, increasing the accommodation capacity of the prison by a further 60. In 1996 the self-care accommodation was increased by a further ten beds with the conversion of laundries to accommodation cells.
- 1.5 With the increase in prison population more infrastructure was required. This resulted in the addition of a dedicated reception area, a visits facility, an education centre, a library, a canteen and extra workshops. At the completion of the 1996 building program, Bunbury Regional Prison had a design capacity for 188 prisoners, but was authorised to double bunk to increase that number to 218.
- 1.6 At about the same time, the prison became one of the key prisons within the Western Australian system for the delivery of offender treatment programs, especially high-intensity and medium-intensity Sex Offender Treatment Programs. The primary focus and purpose of the prison came to be the delivery of these programs, and the consequential placement of prisoners who had committed sex offences. Such offenders, especially those whose crimes involved children, are traditionally at risk from other prisoners within the system, and therefore generally require protection status and segregation from the general prison population. Bunbury Regional Prison focused on managing these offenders in its mainstream population, and has successfully done so over the past decade. This has been achieved primarily by the maintenance of a 'critical mass' of these offenders of around 40 per cent of the prisoner population, and by having a low tolerance for bullying or violent behaviour.¹

¹ See Report No. 15, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice* (Office of the Inspector of Custodial Services, Perth, 2003), pp. 82–87.

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- 1.7 A prominent factor in the contemporary operation of Bunbury Regional Prison has been the commissioning and filling of the privately operated Acacia Prison located at Wooroloo, east of Perth. The new facility caters to the same offender demographic as Bunbury Prison since it was designed to accommodate the majority of male, medium-security prisoners from the Metropolitan Area, regardless of program needs or vulnerability status.
- 1.8 As with other prisons in Western Australia, Bunbury felt the effect of the transfer of prisoners to the new prison, and its population has now been capped at 140 prisoners, including those classified as minimum-security (which Acacia is not intended to accommodate). The flow-on effect of the population decrease has been the reduction of Bunbury operations for the past twelve months, as staff numbers have been reduced and speculation about shutting the prison has been constant. This issue is addressed in the Inspector's Overview and is discussed further in Chapter 7.

A REGIONAL PRISON

- 1.9 With the spread of the State's population down the coastal western corridor and improved transportation arrangements, the City of Bunbury seems closer to the Perth Metropolitan Area than ever before. At a little over two hours from Perth, the City does not seem to be regional in the same way as other regional towns with local prisons, such as Broome, Roebourne and Eastern Goldfields. While the issues that face Bunbury Prison as a result of its location may be different to those of more remote facilities, the regional nature of the prison is still an important feature of its history and its function within the total prison system.
- 1.10 As has been explored in previous Inspection Reports of non-metropolitan facilities, prisons in regional areas of Western Australia tend to take on more significance in the local community. This was certainly evident at Broome, Roebourne and Albany.² During the Inspection of Bunbury Regional Prison, the Inspector explored the role of the prison in its local community through a series of meetings with representatives from many community organisations. The findings from these meetings are presented in more detail later; however, the conclusion was that Bunbury Regional Prison is seen as significant in the community and important to the dispersal options of the prison system as a whole, with an emphasis on the expansion of the region and the increasing numbers of 'local' prisoners.
- 1.11 The South-West region of Western Australia is one of the fastest-growing areas in the State. During the 2000/01 financial year, the regional population grew 2.4 per cent, compared with the State-wide increase of 1.4 per cent.³ Regional population growth figures over the years from 1995 all show increases of more than 2.5 per cent.⁴

² See Office of the Inspector of Custodial Services publications: *Report of an Announced Inspection of Broome Regional Prison*, Report No. 6, June 2001; *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 14, April 2002; *Report of an Announced Inspection of Albany Regional Prison*, yet to be published, September 2002.

³ Department of Regional Development, *Regional Trends and Indicators*, September 2002.

⁴ Ibid.

1.12 This increase in the general population of the region has corresponded to an increase in the number of local prisoners being accommodated at Bunbury Prison. For these prisoners it is important that they are held as close to their homes as possible to allow them to maintain good links with family, friends and the community and to be able to reintegrate into their local communities as they near release.⁵ To this end, more could be done to foster healthy, mutually beneficial links with community organisations and private companies to better integrate the prison into the local community, to realise its full potential and value to the community of Bunbury.

BUILDINGS, DESIGN AND FUNCTIONS

1.13 The history of Bunbury Regional Prison is reflected in the design and construction of infrastructure over the site. The original accommodation building, 'C Block', is still in use today as the standard accommodation area in the earned-privilege, hierarchy management model. As the cells are more than 30 years old, they do appear generally run down; however, during the Inspection a cell restoration project was under way that is expected to go to some way to improve the cell amenity. C Block is located near the eastern boundary of the perimeter fence and is constructed in a quadrangle design, with cells and the control room built around a grassed rectangle.

1.14 The minimum-security accommodation is located outside the main fence. It is a single-storey building surrounded by a domestic-grade chain-link fence, with a grassed play area where visits used to take place. As mentioned, the facility had been mothballed in June 2002 and was in total disuse. The building



C Block accommodation cells.

contained a common recreation area, a kitchen and dining room, as well as cells facing into two courtyards. It must be said that, with its closure, it has become apparent that the building is quite run down, and would require refurbishment before possible re-opening.

1.15 Bunbury Regional Prison is unusual compared to the general prison estate of WA in that more than 50 per cent of its accommodation is contained in a self-care environment. Units 'A' through 'J' are situated in a community style setting at the north-east corner within the prison fence, and are

⁵ See: *Royal Commission into Aboriginal Deaths in Custody*, May 1991, Recommendation 168, and *Standard Guidelines for Corrections in Australia*, Corrective Services Ministers' Conference, March 1995, paragraph 5.12.

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utilised as the highest level of the hierarchy privilege accommodation. Each building contains a common living area and kitchen with seven single-prisoner cells, each with its own ablutions. The buildings allow for natural light and are of an acceptable size. Units 'I' and 'J' accommodate prisoners undertaking the intensive Sex Offender Treatment Program, and accordingly programs are conducted in this area.

- 1.16 The prison also has a small maximum-security section. These cells are used on a short-term basis⁶ and are multi-functional. The 11 cells on the east side are used for maximum-security-rated prisoners and those undergoing close supervision. The remaining eight cells in the west wing are used for punishment placement, medical observation and for the occasional prisoner who requests separation and protection from the mainstream population. Maximum-security-rated prisoners are generally only accommodated in this section for the purposes of local court appearances or to facilitate family visits by way of a temporary transfer from another state prison. Despite being renovated in 2002 prior to the Inspection, the facility is isolated, dark and depressing. However, some improvement has been made in making outdoor recreation space available to prisoners and the repainting has resulted in a less oppressive feel.
- 1.17 The gatehouse is located in the centre of the south boundary between the two perimeter fences facing Centenary Road. Upon exiting this building it is a short walk along a pathway to a grille gate that grants access to the visits area. The space here is divided into an indoor hall and an enclosed courtyard with canvas roofing. Both are fairly small and enclosed, creating a stifling and uninviting environment. The visits area and the routines associated with the service delivery of visits formed a major focus during the Inspection, and are discussed in more detail in Chapter 4.
- 1.18 Beyond the visits area and through another grille is the medical centre. The facility consisted of a small room with a desk at one end near the door and an adjoining smaller corridor with office equipment, information folders and medical records. It was generally cramped, without substantial opportunity for a prisoner to have a private discussion with a doctor or nurse. There was also a sluice cabinet and a small storage room. There was a sink in the main office, which doubles as a wash-up for food utensils. A transportable building located in the courtyard of the administrative block is also used for health services. This is set up as a consulting room and used by nurses when the doctor's clinic is in progress. The relationship between the clinic and this building is disjointed and does not support the flow of work.⁷

⁶ The average length of stay in this area will depend on the reasons for accommodation, but generally ranges between three and five days.

⁷ The Department has now confirmed that its Health Centre Upgrades Working Group has identified Bunbury as a high priority site for new premises. A meeting held on 30 April 2003 agreed upon a new location and confirmed the functional requirements of the Centre. 'The estimated cost (\$600,000) of the new Centre has been scheduled (provisionally) for 2003/04 and 2004/05, subject to review in context of overall priorities in the Infrastructure and Systems Upgrade Replacement Program.'

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- 1.19 The next row of offices behind another grille houses the administration area of the prison. The remaining infrastructure within the prison walls are: a dedicated reception centre that provides for a good flow of activities associated with prison reception and discharge; a prisoner canteen; a small number of offices for staff; and the education area that is located directly in the centre of the prison grounds. Prisoners' recreation needs are met through two gymnasiums (a small one at the self-care unit and the other full-size facility in the proximity of C Block) and a large grassed oval located adjacent to the fence in the north-west corner.
- 1.20 External to the prison perimeter, the market garden provides work and skilling opportunities for a number of minimum-security prisoners. Located within the large car park on Centenary Road are a number of storerooms and a visitors' centre that assists processing and provides support for family and friends visiting prisoners. A small (and under-utilised) staff-training centre is also located outside the prison proper, near the disused minimum-security buildings.

PRISONER POPULATION PROFILE

- 1.21 The prison's administration accurately defined the purpose of Bunbury Regional Prison as 'a regional prison that provides a safe and supportive environment where prisoners may constructively address offending behaviour'.⁸ Three main groups were identified in the population of 129 offenders⁹: prisoners from the regional area, vulnerable prisoners who traditionally find it difficult to live in other mainstream prison environments, and those who need to address offending behaviours through participation in the treatment programs in which the prison specialises.
- 1.22 At the end of 2002, approximately 46 per cent of prisoners accommodated at Bunbury Regional Prison were identified as residents of the South-West of Western Australia. Approximately 44 per cent were from the Perth Metropolitan Area, and the remaining ten per cent from other areas within the State, from interstate or overseas. This is an appropriate use of the prison. Whereas the Inspector has found this to be problematic in many prison locations,¹⁰ Bunbury was appropriately accommodating local prisoners; this practice should be encouraged and expanded. The importance of the prison as a regional facility is shown through this high proportion of local prisoners, and the role of the prison should focus increasingly on meeting their needs. In some sense, it is a service to its community by providing ready access to its imprisoned citizens without a financial impact or unnecessary stress to their family and friends.
- 1.23 The general policies and procedures at Bunbury encourage vulnerable prisoners to live in a mainstream environment rather than under a segregated protection regime. A number of prisoners with intellectual, physical and psychological disabilities are accommodated at the prison working,

⁸ Presentation to the Inspector of Custodial Services, Superintendent Keith Flynn, 2 December 2002.

⁹ Population on 25 September 2002.

¹⁰ This has predominantly been an issue for Aboriginal prisoners, and Bunbury experiences this with prisoners from the north of WA being accommodated there.

living and recreating with standard mainstream prisoners.

- 1.24 The final group of prisoners indicated by the prison's purpose statement is those who desire to participate in treatment programs. Some of these prisoners also fall into the 'vulnerable' category, particularly those who have offended against children (and are accommodated at Bunbury to participate in a sex offender program) and are often under threat in other mainstream environments. As at September 2002 approximately 39 per cent of prisoners at Bunbury had been convicted of a sex offence. Approximately the same number had been convicted of offences involving violence, and a large number of prisoners have also been convicted of drug-related offences. These proportions are approaching the limits of safe practice, and action will need to be taken to ensure that violent offenders do not become the dominant group.
- 1.25 As a medium-security facility, the predominant security classification of prisoners naturally is medium, with more than 72 per cent of prisoners fitting this category. There were, however, 34 (more than 26%) minimum-security prisoners located at Bunbury; they were all residing inside the secure perimeter rather than in the purpose-built external facility. The special needs of this group of prisoners is examined further in Chapter 3.
- 1.26 Nearly 21 per cent of the prisoners in Bunbury at the time of the Inspection were Aboriginal, a significantly lower percentage than the average proportion of Aboriginal prisoners in other Western Australian prisons.
- 1.27 The median age of prisoners who participated in the pre-Inspection survey conducted by the Inspectorate was 34 years of age. This is high compared with other prisons surveyed. This indicates that, on average, Bunbury has an ageing prison population. This is significant in terms of prisoners' needs (especially related to medical issues) and service delivery.

INSPECTION METHODOLOGY

- 1.28 This was the seventeenth inspection conducted by the Office of the Inspector of Custodial Services and the broad methodologies for the inspection of a prison and its associated services were by then well-established. As an aspect of this, in the months preceding the Announced Inspection, staff from the Office conducted a number of liaison visits to familiarise themselves with the regime, policies, procedures, personnel and prisoners at the prison.
- 1.29 On Monday 18 November 2002 a survey of prisoners and staff was conducted at the prison. The data collected provided direction and preliminary information to assist the Office in determining what services and issues are of fundamental importance to these two main groups at the prison. Support was provided to prisoners who sought assistance in the completion of the confidential written surveys. Group interviews were also conducted and recorded during the Announced Inspection itself to allow for others to present their views.

- 1.30 Documentary information was sought from the Department of Justice ('the Department') that described service delivery levels and demand, as well as other information deemed relevant to the purpose of the prison. A verbal presentation was received from Department managers on strategic issues and an operational briefing was provided at the commencement of the Inspection by the on-site administration team.
- 1.31 The on-site phase of the Inspection commenced on Sunday 1 December and concluded on Friday 6 December 2002. Eight staff from the Office of the Inspector of Custodial Services were involved in the observation, discussion and group meetings with management, staff, prisoners and community organisations to inspect the delivery of services at Bunbury Regional Prison.
- 1.32 As in previous inspections, the standards against which the Inspection took place were a combination of the balance of the Department's four cornerstones (custody, care and wellbeing, reparation and rehabilitation) and the assessment of whether Bunbury was a 'healthy prison' within the general standards applied by the UK's Chief Inspector of Prisons.¹¹
- 1.33 As a male medium-security facility that had previously accommodated a number of prisoners relocated to Acacia Prison, an extra dimension was considered. How did the services at Bunbury compare to the requirements placed on the private prison, holding similar populations? This was also considered important in the context of the fact that the State Government of the day and the Department of Justice stated that was a core aim of the privatisation of Acacia Prison would be the spread of good practice into the public sector.

REPORT OUTLINE

- 1.34 This Chapter has sought to provide a picture of the roots of Bunbury Regional Prison, its infrastructure and its client population. The next chapter focuses on what was described by the Department and local administration as the core purpose of the prison – the provision of offender treatment programs. It examines strategically the role of such programs in the system generally, the theory on which this is based, and finally how the programs are actually provided across the system as a whole, and specifically at Bunbury.
- 1.35 Chapter 3 examines the delivery of essential prisoner services, including reception and orientation, case management, education, skilling, work, recreation, canteen and spiritual services. Two issues of particular interest at Bunbury in this regard were health and medical services, and the extent of provision of services for minimum-security prisoners. As a major issue identified in prisoner surveys, visit arrangements are examined in detail in Chapter 4. Chapter 5 details the issues surrounding security and control, incorporating discipline, bullying policies, grievance procedures, prisoner classification and emergency management.

¹¹ HM Chief Inspector of Prisons, *Expectations: A Systematic Approach to the Inspection of Penal Institutions*, March 2000.

BUNBURY REGIONAL PRISON IN FOCUS

1.36 Staff and management issues are explored in Chapter 6. These issues were especially relevant in the months following a Departmental review of the staffing arrangements at Bunbury Regional Prison and the implementation of the recommendations of that review. Finally, the future for Bunbury is examined, emphasising the need for the prison to now look forward after a turbulent year of change and reductions in staff numbers. The role of the prison as an important part of the local region is considered in drawing together the Inspector's findings.

Chapter 2

TREATMENT PROGRAMS AT BUNBURY PRISON

- 2.1 Offender treatment programs have been a primary focus of the services provided at Bunbury Regional Prison. This has developed as a result of the prison's traditional role of accommodating a large proportion of the State's medium-security sex offenders, who have been assessed as requiring to undertake the Sex Offender Treatment Program (SOTP) as a means of addressing their offending behaviour.
- 2.2 That focus has sharpened as the prison successfully managed to integrate the accommodation of sex offenders in the mainstream population. This category of prisoner is usually accommodated separately from other prisoners because they are frequently threatened and victimised by other prisoners as a result of the nature of their offences. Bunbury's success in integrating such prisoners has formed the centrepiece of the prison's role in the Western Australian prison system and differentiates Bunbury from most other prisons.¹²

'WHAT WORKS' – THE THEORETICAL BASIS FOR TREATMENT PROGRAMS

- 2.3 In the last 20 years or so, the basis of the majority of programs delivered in the Western Australian prison system has been the 'What Works' philosophy. The basic premise is that program interventions that are targeted properly at the right offenders can reduce repeat offending of those individuals. It is a way of offenders 'addressing their offending behaviour'. This approach forms part of the strategic crime prevention objective for the State.
- 2.4 The programs provided in WA prisons generally target the 'criminogenic needs' of offenders. They are intended to address areas such as anti-social attitudes and associates, substance dependence/abuse, lack of respect for the law and factors such as unemployment, homelessness, family factors and mental health issues.
- 2.5 An important part of the philosophy is that all programs should be accredited to ensure they meet evidence-based standards. In the UK there is an accreditation panel to ensure the 'What Works' strategy is properly implemented. Eleven criteria were established, and programs are not funded without accreditation. Quality of delivery is also monitored as this has an impact on effectiveness. There is no such accreditation process in Western Australia.¹³
- 2.6 It is also fundamental that all programs, even accredited ones, be properly evaluated to ensure they are achieving the objectives originally prescribed to them. Without evaluation it cannot be determined that resources are being expended appropriately and that the programs being offered are achieving desired goals.

¹² Karnet Prison Farm has also managed to manage sex offenders successfully. They are fully integrated with other prisoners for daytime activities but segregated in their sleeping accommodation. A sex offender's path through the WA prison system should take him from medium-security Bunbury to minimum-security Karnet en route to re-entry into the community.

¹³ Canada has also placed considerable emphasis on accreditation of programs with a developed evaluation and accreditation system in place.

TREATMENT PROGRAMS AT BUNBURY PRISON

- 2.7 Maintaining the integrity of any program is another essential factor for best-practice treatment program delivery. This means ensuring that the program is implemented with its philosophy, purpose and methodology intact, and that it is evaluated accordingly.
- 2.8 Repeat offending by program participants is the traditional measure used to judge program success or failure. Successful program participation is therefore used as an indicator of the risk that an individual may pose of reoffending upon release.
- 2.9 Three key principles have been identified as necessary for a program to be effective in the ‘What Works’ paradigm:
- Risk – what is the risk of the offender reoffending? The degree of risk impacts on the intensity of intervention required and the success of that intervention. Generally, the greater the original risk the offender presents, the greater the likelihood that an appropriate program will result in a decrease in recidivism.
 - Needs – the needs of offenders must be properly analysed and targeted and services provided accordingly.
 - Responsivity – as different offenders learn in different ways there is a need to provide a variety of learning methods.¹⁴
- 2.10 Based on these principles, funding was provided to a number of programs in the UK on the basis that recidivism should reduce by five per cent by 2003–2004. To date it has decreased by approximately two per cent. There are no comparable arrangements in place in Western Australia.

TREATMENT PROGRAMS – DELIVERY IN WESTERN AUSTRALIA

- 2.11 The Offender Services Branch (‘the Branch’) of the Department of Justice manages programs in WA. Programs are offence-focused. The program needs of prisoners effectively serving more than nine months in prison are identified through an assessment process at Hakea Prison, following sentencing. The Branch also has a role in providing advice to the courts and the Parole Board on the management and release of offenders.
- 2.12 The suite of programs offered is based on the ‘What Works’ theory outlined above, and operates according to those principles.¹⁵ The Inspection found, however, that while the programs operating may be based on the ‘What Works’ approach, the theory is not being adhered to. There is no accreditation system for programs in WA, and hence no programs offered have been accredited. While there is a level of supervision by registered psychologists to ensure integrity does take place, it is not of the rigorous standards expected in some other jurisdictions. Finally, at the time of the

¹⁴ D. Perry, *Criminal Justice Conference – Towards the Seamless Sentence*, 27–28 February 2001.

¹⁵ Offender Services Branch, *Service Guide: July – December 2002*, Department of Justice, September 2002, p. 2.

TREATMENT PROGRAMS AT BUNBURY PRISON

Inspection, no evaluation had taken place of the treatment programs being delivered.¹⁶

- 2.13 During discussions with members of the Branch, it was revealed that both the United Kingdom and the Canadian approaches were being integrated into planning for the Western Australian system. This could jeopardise the integrity of both models. Each system was developed following research into the differing needs of prisoners in their own particular systems; any attempt to make a hybrid version of the two, not being based on independent research, could result in the adoption of an unproved system. It is laudable that it has been recognised that a system of comprehensive program delivery must be adopted, but this must be done without disturbing the program integrity.
- 2.14 Some positive steps have occurred recently, with a shift towards more medium- and high- intensity programs and away from low-level programs, thereby adhering to the research findings regarding risk and responsivity factors.
- 2.15 Staff delivering programs have recently been decentralised from head office. Each prison now has a set number of non-uniformed program staff based within the facility. While this is a positive step in terms of allowing program facilitators to be accessible to prisoners and more aware of the prison environment in which they work, some difficulties have been experienced. This is primarily related to confusion in reporting structures – that is, to what extent the staff are responsible to the Offender Services Branch and where the Superintendent fits into the relationship.

PROGRAMS AT BUNBURY REGIONAL PRISON

Sex Offender Treatment Program

- 2.16 While other programs are offered at Bunbury Regional Prison, the primary focus is on the intensive and medium SOTP for prisoners assessed as being at high or moderate risk of re-offending. The program addresses issues of taking responsibility for offending behaviour, identifying cognitive distortions that enable offending, increasing victim empathy, and putting relapse prevention plans into place.
- 2.17 Both program participants and staff were interviewed during the Inspection to assess to what extent the program is meeting the needs of prisoners. Staff confirmed that the program was not operating to its optimum level, with issues surrounding accreditation, level of professional support, consistency of delivery and external evaluation. Prisoners agreed that a number of structural issues meant that many of them did not believe their individual treatment needs were being addressed as effectively as possible.
- 2.18 Group participants were determined solely from the Hakea Assessment Centre in Perth, based on prisoners' earliest release dates, and removing the ability for on-site program staff to construct groups

¹⁶ A project has commenced involving Edith Cowan University to create an 'offender programs database' but it is unclear whether this is being undertaken with the view of implementing an accreditation process.

TREATMENT PROGRAMS AT BUNBURY PRISON

appropriately based on offence type and other dynamics.¹⁷ The issue of ensuring that prisoners could access programs early enough in their sentences to ensure they meet this date is universal in the WA prison system; however, proper planning and resourcing would allow this objective to be met, as well as ensuring that program groups can be constructed to ensure optimum outcomes and protect the integrity of the program.

2.19 Group dynamics were particularly a problem for some of the Aboriginal participants. Language and cultural issues raised serious questions about the suitability and relevance of the program for some Indigenous participants. It is not realistic or ethical to place prisoners who have limited comprehension of the program on it merely to satisfy Parole Board review requirements. A suitable SOTP must be developed and delivered in appropriate locations, rather than transferring prisoners long distances to participate in programs that do not meet their needs.

2.20 Comprehensive clinical support for program facilitators, which assists in protecting the integrity of the program, was very thin. Up until shortly before the Inspection, the clinical supervisor at Bunbury was required to deliver programs, as well as provide clinical supervision, at prisons in Albany and Greenough.¹⁸ Consequently, it was impossible to perform any of the tasks to the desired standard. This problem did not only apply to SOTP but also to the Cognitive Skills program, a general program that targets reasoning and decision-making skills and is facilitated by uniformed staff.

Other Program Needs

2.21 Programs to address the treatment needs of violent offenders are not delivered at Bunbury. Forty-nine prisoners were identified as 'violent offenders' by the TOMS computer database on 25 September 2002, yet no violent offending programs were offered at the prison in 2002.¹⁹ Prisoners assessed as requiring such programs have to be transferred to Albany or Casuarina – maximum-security prisons – to participate in such a program. As a regional prison accommodating a large percentage of local prisoners, Bunbury should be providing programs consistent with the needs of its whole population. It is an expensive solution to be transferring prisoners to and from secure prisons throughout the State in order to complete programs.²⁰

2.22 Prison management identified the lack of appropriate programs (other than SOTP) as a serious issue for the rehabilitation of prisoners. It was reported that many prisoners want to participate in drug and violent offender programs but are unable to do so at Bunbury, which is their local area prison.

¹⁷ There is limited capacity for programs staff to override the participation of an offender if they do not consider him suitable.

¹⁸ The Inspection of Greenough Prison, carried out in May 2003, confirmed that this arrangement was prejudicial to the effectiveness of services at Greenough itself.

¹⁹ In its response to a draft of this Report, the Department stated that MASU had been delivered twice in 2002. This is in conflict with documentation provided to the Inspectorate prior to the Inspection.

²⁰ There is some prisoner resistance to going to a higher security-rated prison, just as there is with medical transfers: see paragraphs 3.18–3.19, below.

TREATMENT PROGRAMS AT BUNBURY PRISON

Most violent-offender and drug-offender programs offered at the prison since 1998 have been of a low intensity, targeting low-risk offenders.

2.23 In addition, the general Cognitive Skills Program had only been offered to only 30 prisoners in 2001. At the time of the Inspection, no program had been run in 2002.

Integration into the Prison Regime

2.24 For some years Bunbury Prison has been operating differently from other prisons throughout the State in that programs staff have been operating from the prison, and as a result the State-wide change of establishing programs staff in all prisons (see paragraph 2.15, above) was especially confusing for the prison. Previously local management felt they had more ability to interact with programs staff and be more involved with the program structure and participation. This informal system that operated prior to the organisational changes has now been altered, with the formal placement of programs staff at prisons and the adoption of concomitant formal reporting protocols. Paradoxically, management stated that the new system left them with less involvement in the programs process and an inability to try and ensure local needs were being met – the exact opposite of the intended outcome.

2.25 From the point of view of programs staff, on the other hand, there was some concern that reporting directly to local management would mean that security would always take priority in decision-making related to programs, a situation program staff did not feel was appropriate. This could be overcome by the introduction of service-level agreements, whereby program requirements and outcomes are stipulated by the Department and must be achieved by local management in concert with program staff.

2.26 Positive information was received, however, regarding the interaction and support program staff received from uniformed officers. It was stated that information concerning prisoners flowed well between the different staff groups, perhaps due to program staff having been based on-site for some time. It may well be that the initial doubts and confusions about reporting lines and responsibilities will soon resolve themselves satisfactorily.

CONCLUSION

2.27 The Inspection observed that, while Bunbury Prison does successfully provide a program function in a therapeutic environment, it could not claim to be exclusively a ‘programs prison’ any more than most of the others in the State that deliver treatment programs. It also serves the need as a regional prison in a rapidly growing area of the State.

2.28 It is possible for Bunbury to maintain and strengthen both functions. The policies and procedures in place at the prison should enable the continued integration of sex offenders into the mainstream population, while allowing local prisoners to stay near their families and homes. A wider range of programs also needs to be offered to ensure local prisoners can meet the requirements imposed in individual management plans to ensure their release.

Chapter 3

FINDING THE BALANCE – DELIVERING PRISONER SERVICES

- 3.1 There is a wide variety of services that needs to be delivered to prisoners to ensure that the Department of Justice discharges its duty of care to those held in custody in its prisons. More importantly, services need to provide prisoners with the best chance of addressing the reasons for their offending and building the foundations for a life outside prison that will minimise or exclude criminal behaviour.
- 3.2 The Department has focused these imprisonment needs under ‘the four cornerstones’ – rehabilitation, reparation, care and wellbeing and custody. This and the following Chapters address how Bunbury Regional Prison delivers the services necessary under each of these cornerstones and whether they are delivered in balance – that is, without one dominating the service delivery at the sacrifice of the others.
- 3.3 Rehabilitation was largely addressed in the previous Chapter when examining the delivery of treatment programs at Bunbury. This cornerstone also, however, encompasses issues such as the provision of education, skilling and work. Work is also a focus for the delivery of reparative services, where prisoners can endeavour to contribute to the community. Care and wellbeing issues form the other focus of this Chapter and incorporate a large number of services that need to be provided to assist prisoners on the road to their ultimate release. Security issues are examined in Chapter 5.

THE CARE CONTINUUM – RECEPTION, ORIENTATION, ASSESSMENTS AND CASE MANAGEMENT

- 3.4 Reception, orientation and assessment of prisoners are the foundational points of contact that the prisoner has with the prison environment. It is essential that these processes be conducted comprehensively to ensure the safety, care and wellbeing of prisoners, ensure their needs are met and assist them to adapt to the regime. The attention to detail here will serve to establish the basis of prisoner/staff interaction.
- 3.5 After this initial period, case management is the process established by the Department to ensure each prisoner has a path to follow during the period of incarceration and is assisted, guided and monitored through the sentence.
- 3.6 At Bunbury Regional Prison the reception and orientation services were observed to be of a high standard. As with many other pre-Inspection survey results, prisoners indicated that they relied heavily on family and on friends already imprisoned to help them settle into prison life. At Bunbury, however, this reliance was balanced with ‘official’ information sources. The prison was doing its job, but prisoners chose information sources in which they had confidence.
- 3.7 The peer support group also featured in the survey as a source of primary information during orientation; however, the group is not formally integrated into the reception process. The officers responsible for reception run a professional section that is sensitive to prisoners’ needs, and did not feel peer support would add any benefit. Experiences at other prisons have shown that there are

substantial benefits from peer support involvement at reception, and this possibility merits re-examination at Bunbury.

- 3.8 Peer support is, however, actively involved in orientation. Group members distribute information to new prisoners and are involved in the video information session presented to new arrivals. This system works especially well for prisoners who arrive on the main transport from Perth each Wednesday. Prisoners who arrive on other days are not quite so well-served since the availability of a peer support prisoner is less predictable – they are not always advised of arrivals that have not been pre-arranged. This matter can be simply resolved by prison management. Prisoner peer support members should be valued as partners in this important service.
- 3.9 The Department requires all prisoners serving an effective sentence of more than six months to be comprehensively assessed for an individual management plan (IMP).²¹ This maps out the paths of prisoners through their sentences, marks major milestones in the sentences, and articulates the prisoners' education, work and program needs. All newly sentenced prisoners in the Metropolitan Area over the past two years have been assessed at Hakea Prison. Those who were already in prison when the new system commenced should have gradually been assessed and had an IMP created at their prison location. An examination of the documentation at Bunbury Prison revealed that many prisoners have fallen through the assessment gap and have not been assessed under the new, more comprehensive system.
- 3.10 Prisoners who have an IMP should be assigned a case manager, a uniformed officer who assists them in achieving their IMP requirements for release. Training for staff in case management has been limited at Bunbury and has therefore affected the ability of the process to operate as intended. At the time of the Inspection, 46 officers had been trained to the first stage, with a further six needing to undergo the initial program. Additional training is required by all officers in the procedures required by the official process.
- 3.11 Only prisoners with an IMP have a case manager. Those who serve less than six months²² or who have 'fallen through the cracks' do not have one. Bunbury management stated that they try to resist receiving prisoners who do not have an IMP because this means they have to pick up the work left undone by another prison to the detriment of their own limited resources. Another issue is that the prison does not have staff qualified to undertake the treatment program assessment²³ or the education component. This is unacceptable, distorting the optimum use of prison accommodation and services.

²¹ While Director General's Rule 13 requires all prisoners with an effective sentence of more than six months to have an IMP, resources and the sheer number of IMPs required have limited the ability of the Department to meet this requirement. Consequently, to date prisoners with an effective sentence of nine months or more are currently provided with IMPs. This is a decision based on investment priorities and pragmatic responses to logistics, rather than decision-making based on risk management principles and consideration for the impact on recidivism.

²² Nine months under the current limitations: see footnote 21, above.

²³ The Programs Coordinator is able to carry out the assessments but this is not a part of his role, which involves overseeing programs at Bunbury, Albany and Greenough Prisons.

The Department should implement an integrated system of case management and provide the staff and training to ensure it can be properly implemented.

3.12 Seventy-seven prisoners should have had a case manager at the time of the Inspection; however, only 45 were currently in the system. A creditable effort is being made at Bunbury to introduce the required IMP and case management systems, but as a regional prison more support is needed to ensure that it receives the necessary training and staff support.

BUNBURY PRISON HEALTH SERVICE

Population

3.13 The prisoners at Bunbury Regional Prison are generally older than the average prisoner in Western Australia, with 20 per cent of prisoners in the 35–44 age group and 24 per cent being 45 years old or over. The oldest prisoner, according to the medical records we reviewed, was 81 years of age. As a result of this age demographic, these prisoners are likely to have greater need for frequent medical and nursing input, medications, and specialist services.

3.14 The Total Offender Management System (TOMS) Medi-Alert system prisoner health profile noted:

• Prisoners with blood-borne communicable disease	21%
• Asthmatics	19%
• Prisoners with cardiac conditions	17%
• Diabetics	9%
• Prisoners with a psychiatric history	18%
• Prisoners with a history of self-harm	21%

There were also seven prisoners listed as having a physical disability.

Access to health care

3.15 Bunbury Regional Prison Health Service is open from 7.30 a.m. to 7.30 p.m. Outside of these hours prisoners are taken to Bunbury Hospital via AIMS prisoner transport service or ambulance. Most Thursday mornings there is a lock-down for prison officer training, and consequently the prisoners' clinic cannot be held. Prisoners usually access the health service by approaching prison officers before 8.00 a.m. each morning to register their names in an appointment book. Initial review is by the nursing staff. The doctor is present on Wednesdays and Fridays, and only sees patients who have first been reviewed by the nursing staff.

3.16 Blood tests and x-rays are performed locally in the City of Bunbury. Most other specialist appointments are arranged through major teaching hospitals in the Metropolitan Area; consequently,

minimum- and medium-security prisoners have to return to a maximum-security environment. There is a range of private specialist services available in the City of Bunbury, either at St John of God Hospital or through private practice, which operate on a fee-for-service basis. Since the public Medicare system does not cover prisoners, the Department would have to meet these costs. The Inspection Team was told of a general shortage of specialists in the region, and that a lack of contracts between those specialists and the Department means that prisoners often have to be transferred to Perth to access necessary services. Inevitably, there are lengthy delays as a result of these arrangements.

- 3.17 The transport of prisoners is clearly also a significant burden. According to the TOMS (IT) system, for the period from January to November 2002, there were 30 transfers from Bunbury to Casuarina Prison for medical reasons. This number exceeded transfers to Casuarina from other prisons, even those in remote locations. For example, Broome Regional Prison had no transfers for medical reasons and Roebourne had 11 for the same period.
- 3.18 An older prisoner who had laser treatment at Bunbury Regional Hospital when he was in the community could not understand why he was transferred to Casuarina for this treatment when it was available locally.²⁴ Prisoners told us that they quite often refuse to attend specialist appointments if they have to transfer to Casuarina. This is understandable; they have to cope with Casuarina's upgraded security and more stressful environment, and being away from family for extended periods. There is also a risk that they will lose their particular accommodation at Bunbury if they are gone for too long. The offending profile of many Bunbury prisoners also means they are held in quarantined conditions as protection prisoners whilst at Casuarina.
- 3.19 To the knowledge of the current Medical Director at Bunbury Regional Hospital, there has never been an approach from the prison or the Department to provide any specialist services²⁵ to Bunbury Regional Prison. The Department should do so. An audit of all the specialist services in the Bunbury region should be undertaken to identify the availability of local specialist services. The audit should include the services at the hospital as well as in the private sector. Contractual arrangements should then be made with these specialists to provide services to the prison. The true cost of the current arrangements is probably unknown to the Department.

²⁴ The Department points out that some prisoners already have specialist appointments booked in the Metropolitan Area at the time they are transferred to Bunbury, and that it is in their best interests to keep those appointments. Whilst this does not seem to explain the particular case cited in the text, it is acknowledged by the Inspectorate that this policy is sensible and proper and in accordance with the Department's duty of care. Indeed, the Department would be subject to criticism if it did not enable these appointments to be kept.

²⁵ In this context we do not refer to psychiatric services at Bunbury Regional Prison which, as indicated in paragraph 3.24, are very good.

Health needs assessments

- 3.20 All reviewed medical records contained a nursing assessment completed within the specified timeframe. The doctor examines all newly sentenced prisoners, but transferred prisoners are seen only if the issue is identified by the nursing examination or if these prisoners self-report a problem. Nursing assessments were found in all case notes reviewed, but there was little evidence of a comprehensive doctor's examination. In most cases the doctors simply countersigned the nurse's examination. Prisoners without an already identified medical problem or who failed to self-report would not see a doctor at all. Doctors should be encouraged to document the prisoner's medical history and their examination separately from the nursing staff notes and should see all prisoners on entry. This is particularly important in view of the age and state of health of many of the prisoners.²⁶
- 3.21 Following the initial assessment, nursing staff review all prisoners annually for a follow-up medical assessment. There was substantial evidence in medical records that these had been performed adequately.

Health promotion and health education

- 3.22 Education is provided verbally on a one-to-one basis, and handouts and pamphlets are readily available. The blood-borne communicable disease program, 'Keeping Safe', is the only health promotion program being delivered; this is done under contract with the WA AIDS Council. At the time of the Inspection 98 prisoners had completed the course, 32 were due for a refresher and 17 prisoners were to undertake their first session. The South-West Aboriginal Medical Service holds health promotion sessions that cover a range of health topics once a fortnight for any prisoners who want to attend.

Mental health services

- 3.23 A visiting specialist provides psychiatric services fortnightly. An average of seven prisoners is seen per four-hour session. There are concerns that the time allocated is not sufficient, especially if there are two or three new prisoners to be assessed. A thorough and comprehensive mental health assessment requires at least an hour, and at times the psychiatrist is under pressure to put patients through quickly. The psychiatrist deals mostly with prisoners who suffer from severe depression, personality disorders and schizophrenia.
- 3.24 There is high demand for psychiatric assessments. There was good evidence that these were being facilitated, and many examples of detailed psychiatric assessments by psychologists and the psychiatrist were contained in records. Of 19 randomly selected medical records, all indicated some sort of mental health problem requiring medication or counselling. While evidence we heard suggested that there

²⁶ For the record, the Department challenges the comments in this paragraph, stating that the Director of Health Services called up a batch of case records and confirmed that documentation was of an acceptable standard. The Inspectorate adheres to the views of its own medical experts reached by close examination on-site.

was little verbal communication between nursing and psychiatric staff, the documentation on the medical files was very good.

Dental services

3.25 There is a waiting list of 12 to 18 months for dental services. An ‘emergency’ appointment can take five weeks and prisoners often resort to antibiotic treatment and painkillers to relieve pain prior to definitive therapy. Prisoners are wait-listed at Bunbury Dental Clinic with the rest of the community²⁷ or can be transferred to Casuarina Prison for treatment. The wait can be a lengthy one, and only 33 prisoners received dental treatment from January to November 2002. This waiting period is too long, and the Department should review dental services with a view of renegotiating its agreement with the Department of Health; alternatively, it should explore the option of contracting private dental clinics to meet the demand. The pre-Inspection prisoner survey revealed that 55 per cent of prisoners were dissatisfied with access to the dentist. Two prisoners said that they had been waiting to see the dentist for two years. Others complained that even with acute toothache they would not be treated as an emergency, and in most of these urgent cases prisoners would still have to wait for a week to see the dentist.

Diabetes

3.26 There were 12 prisoners with diabetes at the time of the Inspection. Stable insulin-dependent diabetics are supplied with the necessary equipment to monitor their blood sugar levels and manage their treatment. The medical clinic notifies the kitchen of those prisoners with diabetes, who are then supplied with a diabetic pack containing a month’s supply of diabetic jam and a sugar alternative.

3.27 In common with other prisons, there is no specific diabetic diet available and clearly, with self-medication being extremely limited, opportunity to access recent innovations in diabetic care – such as self-adjustment of insulin doses according to diet – is not possible. The standard prison diet appears to be high in fat. It is difficult to access other specialised diets such as a gluten-free diet for coeliac disease. This is simple to resolve, and should be remedied as a matter of urgency.

Equipment

3.28 Instrument sterilising is performed at the Bunbury Hospital and disposable packs are widely used within the prison. Suturing is also performed from time to time. The prison has an oxy viva but no

²⁷ The Department states that waiting times for dental treatment are extensive for everyone – prisoners and other citizens alike – in the Bunbury area. This has been confirmed by the Director of Dental Health Services for the region.

defibrillator. An automated external defibrillator should be considered, given the demographic of the prison population.²⁸

Medication

3.29 Prescribed medications are reviewed regularly, and active attempts are being made to rationalise the number of drugs taken by prisoners. This is in accord with Department-wide policy. Staff believe this has been quite successful, and the practice should be encouraged.

3.30 Although the Bunbury Prison Health Services objectives state that ‘prisoners are encouraged to take responsibility for their own health,’ no medication is kept on person and self-administered.²⁹ The Department says it intends moving towards greater use of keep-on-person medication throughout State prisons generally, and it could well be that Bunbury because of its age demographic and health profile is a good site for building up experience and confidence with this approach. Medication rounds are done in the morning at 7.30 a.m. and in the evening at 6.00 p.m. A small first aid kit is available in each unit with stocks of simple remedies, such as Panadol, which prisoners can access through prison officers. These kits are routinely restocked as required by the nurses.

Medical records

3.31 Of the 19 sets of medical records randomly reviewed, very few documented medical examinations. In most, the only evidence of an initial medical review was the doctor’s signature on the nursing assessment.

3.32 Medical staff would benefit from a medical history summary sheet in the front of the medical records. A number of the files contained a basic Medi-Alert print-out from the TOMS system; however, these print-outs do not provide enough detailed medical information. Notes were generally well-structured but somewhat untidy and confusing on occasion with several copies of the same print-out or result. The medical files should be reviewed, reorganised and any duplicated material removed.

3.33 The medical record review revealed two prisoners with conditions requiring specialist follow-up but with no record of subsequent referral. Another instance highlighted was a prisoner with depression whose doctor had recommended a certain type of anti-depressant. The prisoner was unable to access this medication because the Department had not approved it. There should be a system for accessing non-standard medication when recommended by a specialist.

²⁸ The fundamental importance of the availability of defibrillators and the training of all staff to use them has been raised previously by the Inspector of Custodial Services in *Report of an Announced Inspection of Broome Regional Prison*, Report No. 6, June 2001, paragraph 5.18 and *Report of the Follow-up Inspection of Eastern Goldfields Regional Prison*, Report No. 9, February 2002, paragraph 4.34. In light of the issue arising again at Bunbury it is essential the Department now act to implement a State-wide approach to provision of emergency medical equipment. In its response to the draft Report, the Department states that the purchase of defibrillators for Bunbury Prison has now been approved.

²⁹ Other than a few topical medicines.

3.34 Most medical records contained extensive psychiatric or psychological entries. Five sets of medical records of prisoners with significant problems were reviewed specifically to view health care plans, but none were found. Health care plans are an important tool in managing the care of patients with numerous or complex health issues. Health care plans for this category of prisoner need to be completed and utilised.

Staff training

3.35 Staff training for nurses at Bunbury in 2002 was very limited, with only three nurses out of a staff of eight attending educational workshops. The previous year all nursing staff members had attended one or more training sessions, with a total of 19 sessions attended. Apparently, a shortage of casual staff to cover for permanent staff made it difficult to free the latter to attend training sessions.³⁰

REHABILITATION VERSUS REPARATION – EDUCATION, TRAINING, SKILLING AND WORK

3.36 The balance between the reparative value of work (where prisoners participate in industry that brings an income to the prison and offsets the cost of imprisonment) and the rehabilitative needs of prisoners to participate in education, training and skilling is often a difficult one. Striking that balance is a matter of policy and also requires good integration, communication and cooperation between the managers of work and education within the prison.

3.37 By ensuring that these factors – balance and integration – are present, the needs of prisoners and those of the prison can best be met. At Bunbury Regional Prison there are some difficulties with both factors, and these are standing in the way of further improvement of services that are, in themselves, operating at an acceptable standard. Paradoxically, the recent decrease in prisoner population has also caused some competition between the different activities for prisoners' time that has impacted negatively on the education-skilling-work continuum.

Education

3.38 The education centre has two full-time staff, who operate out of a purpose-built education centre. The size of the centre is adequate for the current population. Room sizes limit classes to a maximum of ten prisoners per class. The centre was busy; however, some of this activity was due to treatment programs being conducted there. This is not ideal since the programs interrupt the ability of education classes to be conducted. During the Inspection some prisoners were forced to participate in tutorials in their cells because a treatment course had been scheduled in their classroom.

³⁰ The Prisoner Health Service was bedevilled with industrial problems throughout 2002, and it could be that this exacerbated the problem of obtaining casual staff. The settlement of this long-running dispute may help resolve this problem for the future.

- 3.39 The education staff are dedicated and strongly motivated, and they endeavour to meet the needs of any prisoner who shows interest. Both prisoners and staff reported that they have good access to education courses, with the pre-Inspection surveys showing 73 per cent of prisoners and 97 per cent of officers approving of the level of access. The survey also showed that 64 per cent of prisoners surveyed had undertaken education courses at Bunbury in 2002.
- 3.40 Although there is no routine education assessment of prisoners upon admission, the Education Manager estimated that she sees about 55 per cent of prisoners who come to Bunbury. Educational needs are only identified through a prisoner's IMP. While newly sentenced prisoners coming from Perth should have been assessed at the centralised Hakea Assessment Centre, prisoners received from local courts will not necessarily be assessed for educational needs. Also, many prisoners who have been in prison for some years may not have been through the IMP process. All prisoners should be interviewed by education centre staff to ensure that their education needs are identified and met.

The Education, Training and Work Continuum

- 3.41 The education centre also plays a role in prisoners undertaking traineeships in the industrial workshops. Traineeships are generally facilitated in conjunction with TAFE, and are of community standard as a recognised program for attaining trade qualifications. While prisoners participate in traineeships through the prison workshops, some industrial officers seem to give them lukewarm support. This can have a negative impact on the ability of traineeships to thrive. An industrial officer who did not know how many of his workers were actually enrolled in a traineeship in his workshop exemplified the lack of integration of training and work.
- 3.42 Another result of the breakdown in communication between education and some work locations has been that some basic essential training in safety issues for prisoner workers has been neglected. This must be remedied as a matter of urgency. Management needs to take initiative in resolving the differences between resistant work locations and the training/education staff to ensure a smooth integration of overlapping services.
- 3.43 There is some question at Bunbury (and across the prison system generally) as to the actual purpose of workshop employment – that is, production and output versus skilling and training development. This Office has received mixed messages from the Department as to what are the dominant philosophy and practices in the prison system. At an operational level the message received by industrial officers on the ground is that production is the dominant requirement and, more importantly, that the success or failure of a prison's industries is judged on that criterion.
- 3.44 This value seemed to have gained the upper hand at Bunbury. With the declining prisoner population and competition for prisoners' time, statements by prisoners and staff showed that the workshops emphasise production to the detriment of training and skilling. The possibility of achieving both the reparative and rehabilitative objectives of work was not sufficiently recognised.

The message from head office does not assist, with the only written direction given to administrators and industrial staff being very general corporate statements. The 2000–2001 Annual Report states: ‘Prison industries continued to provide on-the-job training and work experience for prisoners, while offering savings to the Ministry in the form of low cost supplies.’ In the absence of formal direction, prison industries are given verbal directions from head office administrators that they are to be self-sufficient and market competitive.

3.45 Inspection staff observed the difficulties experienced by industrial officers during the Bunbury Inspection. The pressure to produce is ultimately transmitted to the level of those staff who possess the least capacity to challenge it. The Inspection Team was told that workshop instructors have been directed to produce specific quantities in order to satisfy demands placed on them by contracts with external companies. They have no time to train up unskilled prisoners and certainly not to participate in the structured training qualification regime. This is left predominantly to the TAFE instructors, who visit once a week and are coordinated through the education centre. The exceptions to this were in the kitchen and gardens, where training was supported and integrated into the work regime.³¹

3.46 This also results in industrial officers having to compete for prisoner workers to ensure they can maintain output. This is often at the expense of individual prisoner’s needs, such as in education or desire to work in another area. Prisoners stated that there was a lot of pressure placed on skilled workers to stay in specific work locations.

3.47 The vegetable preparation industry and carpentry workshop are the principal areas with profitable external contracts. Each can provide excellent training opportunities for prisoners and endeavour under difficult circumstances to do so, albeit on a limited basis. Despite these pressures, the relationships between prisoners and industrial officers are judged to be good.



Profitable contracts drives work in vegetable preparation.

RECREATION AND SPIRITUAL NEEDS

3.48 The pre-Inspection prisoner survey showed that recreational services were not meeting the needs of prisoners. Survey responses as to the adequacy of access were poor as to the gym (63%), the oval

³¹ It is significant that these are two work areas without external contractual obligations to fulfil.

(56%) and the organised recreation activities (46%). Prisoners were also vocal about the strict and seemingly illogical rules about access to certain sporting equipment. When asked about why certain equipment was not allowed, different members of staff provided various responses, indicating they too were unsure of why some rules were implemented.

- 3.49 The organisation of active sports is left up to a prisoner, with occasional supervision from an officer. A positive action was the introduction of a personal trainer once a week to help prisoners develop individual fitness regimes. More staff input would improve the availability and quality of recreation at the prison, and management must ensure that prisoners' health and recreation needs are being met.
- 3.50 The need for a diverse range of organised recreational activity is high at a prison that accommodates prisoners who are of above the average age and, as such, needs to be monitored carefully. Passive recreation through the use of the library was very good, and the area was well-organised. The library and recreation functions are covered by a shared position, and time constraints seem to dictate that one activity or the other does not receive the necessary attention at any given time. This issue needs to be examined. The lack of an appropriate dedicated computer for inter-library loans, however, means that prisoners have difficulty borrowing books from the State Library Service. The prison management should address this urgently.³²
- 3.51 The spiritual needs of prisoners are well met, with open access to chaplains who are on site daily. Religious services are conducted on a rotational basis. For minority faiths, the prison management and the chaplaincy service are very supportive and facilitate visits by the relevant religious ministers.

MEETING ABORIGINAL CULTURAL NEEDS

- 3.52 There is no sense that direct or overt racism is a general issue at Bunbury Regional Prison. Management and officer relationships with Aboriginal prisoners were reported as being positive. This flowed on to the Aboriginal Visitor Scheme personnel and Peer Support Officer, all of whom stated that they were treated with respect by others at the prison.
- 3.53 In common with Aboriginal prisoners at other facilities, there are significant problems with regard to approval to attend funerals. The view of prisoners and those who assist them in making funeral applications, is that the prison blames head office for the decisions and head office points to inadequate information or support at the prison. Whatever the cause of the problem, it is a longstanding issue that must be resolved. It causes immense distress for prisoners and their families and fails to sufficiently acknowledge the complexity of Aboriginal family relationships.³³

³² Since the time of the Inspection the prison has installed a dedicated computer for library use.

³³ These issues are addressed in further detail in the Office of the Inspector of Custodial Services: *Report of an Announced Inspection of Roebourne Regional Prison*, Report No. 14, April 2002, the principles of which are equally as applicable to Bunbury Regional Prison. A general review of this issue is apparently in progress.

- 3.54 Traditional food is also an issue raised at many prisons in Western Australia. Bunbury Regional Prison is following good practice in providing reasonable access to it for Aboriginal prisoners. The pathways have been opened to facilitate traditional food being provided on a semi-regular basis – suppliers have been identified and management is supportive of prisoners being able to barbeque their own food. Management must now be authoritative in ensuring any other resistance within the prison is removed and Aboriginal prisoners are permitted regular access to cook traditional food for themselves.
- 3.55 This would mirror the good access that foreign national prisoners reported having to food that met their cultural needs. Prisoners from other nations were provided with basic foods that reflected their traditional diet and that they could cook themselves.
- 3.56 Aboriginal prisoners are very much under-represented in self-care accommodation at Bunbury – a situation mirrored in Inspections of some other prison facilities.³⁴ The problem seems to be a structural one rather than a reflection of overt attitudes. Explanations for the low level of Aboriginal representation echoed those heard elsewhere, such as – ‘Aboriginal prisoners don’t want to cook or clean for themselves’; or ‘They don’t want to be near sex offenders located in self-care’; or ‘They form into gangs when accommodated in units where supervision is not as intense.’
- 3.57 These are facile excuses, however, rather than explanations. While the solution is not simple, the fact is that one must be found to ensure Aboriginal movement into self-care is more proportional with the overall prisoner population. Widespread consultation needs to be undertaken with prisoners and interest groups (such as the Aboriginal Visitors Scheme) to ascertain how this may be achieved.
- 3.58 The same must be said for employment opportunities for Aboriginal prisoners. There is a stereotype that they work best in the gardens and in cleaning parties, but not industrial workshop locations. Local management must again be proactive and take responsibility for addressing this imbalance.
- 3.59 An issue for staff was the lack of cultural awareness training that is provided to assist them in understanding and addressing the needs of both Aboriginal and foreign national prisoners. Only one of the officers who participated in the pre-Inspection survey had received any cultural awareness training in the previous three years. Only 54 per cent of respondents stated they had sufficient cross-cultural skills to perform their jobs properly. This is an indictment on the Department. Such training is absolutely necessary at all prisons in Western Australia, and not only those thought of as ‘Aboriginal prisons’.

MINIMUM-SECURITY PRISONERS

- 3.60 In the middle of 2002 the Department of Justice closed the minimum-security section at Bunbury Regional Prison and moved prisoners back inside the secure perimeter of the medium-security

³⁴ See Office of the Inspector of Custodial Services: *Report of an Announced Inspection of Wooroloo Prison Farm*, yet to be published, October 2002, and *Report of an Announced Inspection of Albany Regional Prison*, yet to be published, September 2002.

section. This resulted in the loss of access to the accommodation that provided individuals with more responsibility for their daily routine and their behaviour.

- 3.61 The essential services provided at minimum-security prisons to prepare prisoners for release into the community have been explored in detail in a number of previous Inspection Reports.³⁵ The research and reasons why such facilities are so fundamental do not, therefore, need to be laid out again. What is detailed are observations as to the extent minimum-security prisoners at Bunbury are prepared for release.
- 3.62 At the time of the Inspection, approximately 26 per cent of the prison population was rated minimum-security and the majority of these prisoners came from the South-West region. The capacity for Bunbury to be able to accommodate minimum-security prisoners is vitally important, therefore. It is essential that these prisoners are able to prepare for release close to their homes, strengthen bonds with families and begin to form contacts with supports and other agencies in the local area.
- 3.63 The Inspection found the prison is providing limited opportunities for prisoners to prepare for release. There are no longer any incentives for prisoners to work towards securing minimum-security status. There are no benefits in the form of superior accommodation, longer visiting hours, later lock-up times, greater telephone access or opportunities to become involved outside the prison in the local community.
- 3.64 Section 94 work, where prisoners go to work in the community, is an important aspect of preparation for release. This type of opportunity is basically non-existent at Bunbury. One prisoner attends the police station on a daily basis to clean the cells and undertake other menial duties. The work is demeaning and does not provide appropriate links back into the community of the sort that enables prisoners to contribute to the community and regain confidence outside the prison environment. The under-developed Section 94 program actually predates the closure of the minimum-security accommodation and is long overdue to be reinvigorated.
- 3.65 Extensive community consultation was undertaken during the Inspection, and an aspect of this process was to explore the receptiveness of the community to increased Section 94 activity in the Bunbury area. A fair amount of general support was shown and a diversity of opportunities were identified as being available. Blame as to why such programs have not previously succeeded revolved around inadequate resourcing (for both staff and associated vehicles). The prison itself needs to present a comprehensive business case to the Department for sufficient funding with viable work opportunities.

³⁵ See Office of the Inspector of Custodial Services: *Report of an Announced Inspection of Karnet Prison Farm*, Report No. 5, May 2001, *Report of an Announced Inspection of Broome Regional Prison*, Report No. 6, June 2001, *Report of an Announced Inspection of Nyandi Prison*, Report No. 10, February 2002 and *Report of an Announced Inspection of Wooroloo Prison Farm*, yet to be published, October 2002.

3.66 The only work opportunity exclusively available to minimum-security prisoners is in the market garden that abuts the prison's perimeter. Prisoners leave the secure perimeter in the morning and return at the end of the day. Two industrial officers supervise the prisoners. While this places a limited amount of trust in prisoners, it does not really act as an incentive. In fact, the prison has experienced difficulties in securing willing workers because prisoners perceive that they are vulnerable to strip-searches when re-entering the prison. Gratuities recently had to be increased to entice workers there. Prisoners stated that they despise the strip-search procedure and would rather not work at the garden than risk being subjected to such a search.³⁶



The market garden – the only source of external work for minimum-security prisoners.

3.67 A preparation for release program is run inside the prison for those nearing release. The Community Transition Program puts a face to organisations available to assist offenders upon release. The program is primarily information-based and includes links, for example, with Centrelink.

3.68 The limited resources at Bunbury Prison also severely restrict the ability of the prison to provide adequate pre-release programs for indeterminate-sentence prisoners. The lack of opportunities for interaction with the community is essential for these long-term prisoners who have intensive needs. Rather than transferring these prisoners to other prisons, the Department needs to provide the means for these programs to be undertaken at Bunbury.

3.69 The Superintendent of the prison has recently led the creation of a reference group, called the Justice Forum, comprising relevant members of the community. This is a very positive development and it should be explored as a viable option for other releasing prisons. While there is some scope to expand the diversity of organisations represented on the group, it is a developing concept that should be supported at the highest level.

³⁶ In practice, these searches are not frequent. But they take on an importance far in excess of their frequency. Roebourne Prison has a similar problem, but it does not seem to have created such a hurdle as has been the case at Bunbury. Possibly, this may be because the practice has been routinised – two prisoners randomly selected out of the Section 94 returnees each day – so that everyone knows where they stand.

3.70 In the past a Community Justice Services staff member worked from the prison, and this was of great benefit to the strategy for maintaining links with prisoners upon release to provide support. About 12 months ago the decision was made to remove the Release Planning Officer from the prison, as well as from two other regional prisons. In the opinion of the Inspector that was a mistake, and this is supported by the testimony received during the Inspection. It had been a good example of 'joined up government' in practice, and should be reinstated.

CONCLUSION

3.71 Bunbury Regional Prison management must address the evident divisions that exist between some industrial areas and education and industrial staff who support education in the workplace. The current situation is detrimental to the integration of education, training and work and ultimately to the prisoners, who are not having their needs met. It is also having a serious impact on the ability for occupational health and safety training – the precursor to safe employment in the industrial workshops – to be delivered to prisoners. Also, it must be ensured that all prisoners have received an education assessment when they are received at the prison and their needs integrated into their work and treatment program regimes.

3.72 The Department of Justice needs to make a definitive and unambiguous statement as to what its key objectives are in regard to industries and as to the balance between reparation and rehabilitation needs. Currently there is no clear leadership on this issue, as is evidenced by the confusion and attitude of staff on the ground. Staff, prisoners and local administrators can then be confident of their responsibilities, opportunities and objectives.

3.73 With regards to the cultural needs of Aboriginal prisoners, while Bunbury cannot be considered a racist prison, there are structural problems that need to be addressed to ensure equity of access to all services. There is no longer any acceptable basis for not dealing directly with the differing needs of Aboriginal prisoners. No one would pretend that the issues are straightforward for management; but good management is about doing the difficult things and achieving long-overdue equity for Aboriginal prisoners.

3.74 Self-reliance is a key aspect of gaining the skills and confidence for successful re-entry to the community. Minimum-security prisoners at Bunbury are not being given the opportunity to have that self-reliance. To try to achieve this by sending these prisoners to prisons in the Metropolitan Area, such as Karnet or Woorloo, would be contrary to the Department's philosophy of accommodating regional prisoners close to their homes. A more comprehensive plan for these prisoners must be developed, with adequate resources to support it. Only then will the Government's re-entry aims be able to be fulfilled.

3.75 Currently the prison is limiting the full expression of the minimum-security classification. Bunbury needs to resort to being a genuine three-tiered regional prison – minimum-, medium- and maximum-security.

Chapter 4

MAINTAINING FAMILY CONTACT

THE IMPORTANCE OF MAINTAINING CONTACT

- 4.1 Maintaining contact with family and friends is a central factor to a prisoner's morale and behaviour whilst incarcerated, and the reduction of the risk of reoffending once released. However, as found by HM Scottish Inspectorate of Prisons in its thematic review of prison visits, 'a meaningful relationship is exceedingly hard to achieve, given the standard conditions in which visits take place'.³⁷ For this reason, it is vitally important for policies, procedures and the environment at each prison to be as conducive to encouraging visits and other family contact as possible.
- 4.2 The review also emphasises that 'prisoners' families are innocent ... and their needs and rights (particularly those of children) must not be overlooked'.³⁸ The preservation of the dignity of visitors and the provision of an atmosphere that encourages interaction is therefore important.
- 4.3 The Woolf Report into prison disturbances in the UK³⁹ also emphasised the importance of visits to the control, care and wellbeing, and rehabilitation of prisoners. In evidence to the inquiry, the UK Prison Service stated the importance of recognising that prisoners' visits are a right and not a privilege⁴⁰ – a position that should be universal to all justice systems.⁴¹ They should not be used as a control mechanism by administration and only restricted where security and safety concerns about prisoners leave no alternative.
- 4.4 Not only is the right to visits essential, but so too are the conditions in which those visits are conducted. Rigid and sterile environments that are too controlled can cause visitors (and prisoners) to feel intimidated, and stripped of their dignity, thus becoming counter-productive to the very purpose of visits – to assist in the development of the family unit.

RULES, POLICIES AND PROCEDURES

- 4.5 Sections 57 to 68 of the Prisons Act 1981 establish the legislative framework for family contact, including visits to prisoners. Section 59 establishes that visits in Western Australian prisons should be treated as a right, as sub-section one states that 'a prisoner shall be permitted to receive visits from his friends and relations...'.⁴²
- 4.6 The Department of Justice has a number of overlying rules and policies that govern the conduct of visits in all prisons in Western Australia. Director General's Rule 7 and Operational Instruction 1 set down Departmental policy.

³⁷ HM Scottish Inspector of Prisons, *Thematic study – The Importance of Visits in Scottish Prisons*, 21 November 1996.

³⁸ *Ibid.*, paragraph 1.6.

³⁹ Hon. Lord Justice Woolf & His Hon. Judge Stephen Tumin, *Prison Disturbances April 1990: Report of an Inquiry*, February 1991.

⁴⁰ *Ibid.*, p. 401 at 14.226.

⁴¹ This principle is also recognised by Penal Reform International, see *Making Prisons Work: an international handbook on good prison practice*, section V, rule 5, p. 102.

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4.7 Each prison establishment also has its own local orders that control how and when visits can occur within that facility. Bunbury Regional Prison Local Order A7 is the order that establishes the rules for visits at that particular prison. The matters set out in the Order include visiting hours, responsibility of visitors, code of conduct, conditions for special visits and the operation of the booking system.

VISITS AT BUNBURY REGIONAL PRISON

4.8 Overwhelmingly, the most contentious issue for prisoners at Bunbury Regional Prison was the quality of the visits regime. While the seven-days-a-week visits regime provided very good access to quantity of visits, the quality of that access was an issue. Prisoner survey results showed that 49 per cent of prisoners were dissatisfied with their access to family and friends through visits, one of the highest figures of all prisoner surveys to date.⁴² All respondents were highly critical of the regime, and particularly the area utilised for that purpose. Some comments from prisoners included:

Visits are stressful here because of the atmosphere in such an enclosed area and limited contact because of the seating arrangements.

The visits area is worse than in a maximum security prison.

Not enough free movement to interact with my kids; my babies are supposed to stay seated; not all of us are paedophiles.

The visits regime therefore became an important aspect of the Inspection of Bunbury Regional Prison.

4.9 Discussions with management, staff and prisoners showed that a serious incident at the prison in 1995⁴³ had come to dominate the reasoning behind the regime, with the result that security considerations are overwhelming other aspects of visits to the extreme, and this is to the detriment of maintaining positive family relationships.

Visitor Centre

4.10 The first point of contact for visitors to Bunbury Regional Prison is at the Visitors Centre, which was only constructed and opened in 2001. The centre acts as an information centre and processing point, and provides support to families who need it. It is clean and tidy, but exists on limited resources. It is staffed by community volunteers, who are rostered on a rotational basis by the Centre's coordinator.

⁴² Prisoners at Acacia Prison and Greenough Regional Prison were, at the time of this Inspection, the only two groups yet to be subject to a prisoner survey by the Inspectorate.

⁴³ The incident involved three prisoners sexually assaulting a child that had been bought into visit one of the prisoners by its mother.

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- 4.11 Staff do their best to make visitors welcome; however, the lack of physical resources makes this difficult. Furniture is simple and sparse, and toys and play equipment for children are limited. The now-deserted minimum-security visits area contains some outdoor children's equipment that could be utilised at the centre.
- 4.12 There was no visible information in the centre regarding visiting rules or the regime, nor was there general information pertaining to the prison system as a whole or to Bunbury Prison specifically. As volunteers, some staff at the centre were also unsure of rules, such as what items that were permitted to be taken into visits and other essential information. Interaction with uniformed staff from the prison was limited. One volunteer commented she had never been inside the visits area and no training had been made available to the volunteers.⁴⁴ Volunteers should be better integrated into the visits system, and structured training by prison staff should be made available.
- 4.13 From the centre, visitors proceed to the gatehouse door, where they wait outside until called in, marked off the visitors' list, and scanned with a hand-held metal detector. Visitors interviewed stated that visits could be delayed for some time depending on the staff rostered for that day, as some would only allow one visitor into the gatehouse at a time. The process needs to be reassessed and streamlined to ensure that the necessary security processes do not impinge on visit time and that processing is carried out consistently.

The visiting area

- 4.14 The area set aside for visits consists of four distinct sections: a covered outdoor area, an indoor area, two non-contact booths and two privileged visits booths. There is no air-conditioning and limited natural airflow in any of these areas. In the two weeks prior to the Inspection, a partition in the indoor visits room had been removed to enlarge the area. The partition had been in place for about two years to facilitate program delivery on one side of room (despite it being used only intermittently for that purpose).
- 4.15 Staff monitor visits via a closed-circuit television from the boardroom inside the prison administration block. There are limits to the extent of coverage that these cameras provide, which is problematic when staff from the area are called away to supplement staff at other locations. Staff monitoring the screens were also unable to identify the particular visits regime of each prisoner in the visits area (see below) and so would not be able to identify a prisoner that had a child visitor limitation, should the need arise.
- 4.16 Two vending machines are provided for refreshments – one for drinks and the other snack food. A cold-water fountain is also accessible in the visits area. A sign on the drinks machine informs visitors that profits from purchases go the Bunbury Prison Officers Social Club. Some prisoners complained

⁴⁴ The Department has stated that all volunteers were provided with training prior to the centre opening. Obviously this was not an ongoing arrangement and volunteer staff who have commenced subsequent to this time have not been catered for.

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that this was inappropriate profit-making from them and their families. Prison management informed the Inspector that no independent contractor could be found to provide the service and as a consequence the Social Club was approached to provide the drinks machine. The machine had been removed in 2001 following a previous complaint. However, because most prisoners wanted it returned, an official investigation was conducted and permission granted for the machine to resume operation. The sign was posted so prisoners and visitors can make an informed choice about purchasing from the machine. A decision was also made for the Social Club to make an annual donation to the prison chaplain for use towards prisoner and visitor services. This arrangement seems sensible and proper.

4.17 Toys and books provided for children are extremely limited and are very worn. This is a big issue in a context where children are prohibited from moving from their seats during the two-hour visits.

4.18 The seating configuration for visits at Bunbury is unique, but could also be described as archaic. The indoor and outdoors area contain a continuous U-shaped table running parallel to the walls. Prisoners sit on the inside of the 'U' and visitors on the outside, with a barrier down the centre under the table. This set-up existed in some other prisons in years gone by, but has been abandoned because of its inhibitions on family interaction.

4.19 The current seating arrangements hinder family contact, especially between father and children, as all visitors (including children) must remain seated on their side of the table at all times. The Inspectorate witnessed a visit between a prisoner, his wife and their children. It was an almost impossible task to expect the children, all aged less than 12 years, to adhere to the strict regime.



Visits are held in an impersonal environment.

4.20 With visits running directly alongside each other, no privacy was afforded for prisoners to discuss anything confidential or personal with their visitors.

4.21 Conditions in the visiting areas were impersonal and the variations in climatic conditions were extreme – either very hot or freezing cold. Some staff also drew attention to this issue. Staff told Inspections staff that the covered outdoor area is the only space utilised for visits on weekdays, regardless of the season or conditions. For staff, it is more efficient for the outdoor area to be used, as

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this is where the officer observation post is located and grille gates can be more easily accessed. On weekends, both indoor and outdoor areas are generally utilised because of the greater attendance by visitors.

4.22 Throughout the Inspection different reasons were provided for the U-shaped seating configuration. Some of the explanations provided included:

- As a response to the child sexual assault incident in 1995;
- To facilitate the introduction of the closed-circuit television monitoring of visits; and
- To allow for more visits to occur as the configuration permits more seating at each visits session.

4.23 Some administration and staff members were resistant to the suggestion that the configuration should be changed to conform with arrangements in other prisons – that of low coffee tables with chairs surrounding them. Many of the comments focused on the benefit that the seating gave to drug detection (as well as the deterrence to child abuse) and that this should be the predominant factor rather than more family-friendly visits.

4.24 Whilst it is undeniably important to prevent a repeat of the incident of 1995, procedural steps can, and have, been put into place that would assist in this. The use of different visiting sessions for different categories of prisoners, discussed below, and the prohibition of certain prisoners receiving any child visitors should be adequate to ensure that prisoners who have offended against children do not come into contact with them during a visit session. Importantly, prisoners who have been assessed as unlikely to engage in such behaviour, and their families, should be better treated. Even for the other categories, better supervision, rather than oppressive conditions, are required to optimise the value of visits.

Visiting categories for prisoners

4.25 Following the child sexual assault incident in 1995, the Department introduced different visits categories and regimes for prisoners, dependant upon their offence. These are contained in the Director General's Rules (that apply to all prisons) and the Local Orders of Bunbury Regional Prison. Director General's Rule 7.3.4 defines a restricted category prisoner as one 'charged or convicted of an offence involving child maltreatment against children under 16 years or vulnerable victims over 16.'⁴⁵

4.26 Because of the provision of the intensive Sex Offenders Treatment Program, Bunbury Prison has a relatively high proportion of sex offenders. The visits regime and categories are therefore highly relevant to the facility. There are six different categories and regimes that are enforced at Bunbury:

⁴⁵ The same Rule states that 'Child maltreatment occurs when a child has been subjected to sexual, emotional or physical actions or inactions, the severity and/or persistence of which has resulted in significant harm or injury to the child; or where a child has been exposed or subjected to exploitative or inappropriate sexual acts.'

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- Adults only – visit sessions for this category of prisoner are held every Tuesday, Wednesday and Saturday morning, where only adults may attend. At the time of the Inspection six prisoners were assessed as falling into this category, most of whom had pleaded not guilty and denied offending against children. These prisoners were prohibited from attending any other visit sessions.
- Standard no children – prisoners may attend visits during standard visiting sessions when children may be present, but are not permitted to receive visits from children. Twenty-four prisoners were listed under this category.
- Standard approved children – only children who have been expressly approved to visit may be permitted to visit the particular prisoner. The prisoner must apply for approval and a risk assessment is undertaken on each application. The visit takes place during standard visiting sessions. There was, however, no identification process in place to positively identify that the children undertaking the visit are in fact those who have been approved. Nine prisoners were currently approved to receive specified child visitors.
- Standard – subject to normal visits regime and can receive visits any day at any session (but no children at adults-only times).
- Non-contact – standard non-contact visits as authorised by administration, generally for security purposes and related to drug offences in prison.
- Privileged – prisoners may apply to the Assistant Superintendent for approval to have these special visits on a monthly basis. Criteria for eligibility are set out in Local Order A7, but they are included as a part of the hierarchical management of prisoners. The visit is conducted in one of two dedicated booths situated in the outdoor visits area. One-off privileged visits may also be approved for special family circumstances or bereavements.

4.27 On the reception of a prisoner, the Assistant Superintendent of Prisoner Management (ASPM) undertakes a visiting category assessment for all prisoners with a current or prior sexual offence. There is no identifying process or assessment of any other form of child maltreatment. There are no criteria or guidelines used when assessing prisoners for the appropriate visiting category.

4.28 Ultimately, the Superintendent is responsible for deciding the visits category after consultation with the ASPM and the Sex Offender Treatment Program coordinator. There are no routine reviews once a category has been decided upon, and these will generally occur at the individual prisoner's request.

4.29 An audit conducted by the Inspectorate found a number of deficiencies in the processes of the prisoner visit categories. The computerised daily visits report does not distinguish between 'adults only' and 'no child visitors' prisoners. As officers supervising visits are totally reliant on this report to distinguish between the categories and the prisoners within them, it is vitally important if the system is to work that the report reflect the categories correctly. Currently prisoners approved as 'adults only' and 'standard no children' have alerts in the computer noted as 'no visits with children'. 'Adults

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only' prisoners can only have visits during specified sessions at which no children can be present, however, this is not reflected in the report.

4.30 Some prisoners had an alert of 'no visits with children' when they were actually approved for 'standard approved children'. Others had an alert of 'restricted visits with children' when they were 'standard approved children'. One prisoner who had an alert of 'adults only' was also shown to have had a visit that week during a standard visits session.

4.31 The audit showed that the system was not successful in providing the necessary information to staff to ensure the visits system works effectively. While the idea behind the system is worthwhile, the operational procedures are currently dysfunctional.

4.32 The system also has no controls on seating arrangements within the visits area during standard sessions. Prisoners with no restrictions who receive child visitors can be seated next to prisoners with visits restrictions. Staff were not able to state unequivocally which prisoners were under restricted regimes when questioned during a visit session. This causes tensions between prisoners and also makes it difficult for staff to properly supervise these visits. Such seating is contrary to Director General's Rule 7. A process must be put into place that identifies which prisoners are on which visiting regimes.

Family days

4.33 The majority of prisons in Western Australia hold family days at some time during the year, generally close to public holidays such as Christmas or Easter. Approved prisoners are able to invite their partners and children to participate in a celebration for the relevant holiday as a family unit.

4.34 At Bunbury Regional Prison, however, security issues have again overshadowed the need to maintain and develop family cohesion and family days are no longer permitted at the prison. The events did take place up until about three years before the Inspection. However, it was explained that, as certain categories of sex offenders would not be given permission to participate in the days, this identified them to other prisoners and made them more vulnerable.

4.35 It is of interest to note that Karnet Prison Farm, which holds a similar prisoner demographic to that of Bunbury, manages to conduct family days without creating incidents between prisoners. Prisoners who know they will not be permitted to attend simply do not apply to avoid the implications that would arise from an application being denied.

Visiting incentives

4.36 There is no evidence of different visiting regimes for prisoners of different security classifications. When the external minimum-security section was open, those prisoners received visits in a grassed outdoor area in fine weather and inside the minimum-security building in wet weather. Minimum-

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security prisoners describe these arrangements as far superior to what is available to them now, where they are treated in the same way as medium- and maximum-security prisoners. The atmosphere and conditions in the old area were conducive to good family interaction and some system should be created to enable qualified prisoners to maintain this privilege so they are not disadvantaged in comparison to minimum-security prisoners at other facilities and to better prepare them for release.

Passive alert drug detection dogs

- 4.37 As with all other prisons throughout Western Australia, the passive alert drug detection (PADD) dogs attend Bunbury on a regular basis. The dogs are able to detect any recent contact with a variety of drugs (both legal and illegal) and whether that contact has been direct (for example, handling and ingesting) or incidental (brushing up against a user or being in the same room as a user).
- 4.38 While it appears that the dog indications are sometimes reliable, the system creates a large number of 'false positives' in the sense that strip-searches following a positive indication most often do not result in drugs being found on the visitor. For example, at Bunbury Prison in the six months between 7 May and 7 November 2002, the PADD dogs indicated drugs on 15 separate occasions. Following a strip-search, substances were found on the visitor concerned on only two occasions. There are a number of possible reasons for this, including the dogs being too sensitive, to the point of sitting on traces of odour or reacting to food and other attractive smells. On the other hand, many visitors who elicit a positive response admit that they may have had some recent contact with drugs. Moreover, it is likely that expectation that dog detection arrangements are in place is likely to have a deterrent effect.
- 4.39 Practices upon a positive indication by a dog vary across the prison system. Each prison has different policies as to whether they will request to strip-search a visitor. Staff, visitors and prisoners all dislike the process of strip-searching, but it is utilised at a number of prisons, including Bunbury. Generally, a non-contact visit will be offered to a visitor if a dog indicates contact with drugs. However, when a dog indicates that it detects drugs on a visitor at Bunbury, a strip-search will be requested and if undertaken and nothing found, a normal contact visit is permitted. It must be stated, however, that the prison does not overdo searching of visitors or prisoners, but those searches that do occur cause great distress for visitors.⁴⁶
- 4.40 Visitors complained about the procedure and process of being sniffed by the dogs as distressing, degrading and offensive. In some cases, prisoners stated that their family had stopped visiting because the dogs distressed them, especially children. The indignity and distress the process causes and the consequent reticence for some to visit a prisoner as a result is sufficient reason for the Department to examine alternatives to the use of PADD dogs. The United Kingdom and Canada both use a less intrusive electronic detection system that could be examined by the Department as a viable alternative.

⁴⁶ The newly implemented Operational Instruction 18 has eliminated the random strip-searching of visitors and stipulates that any such searches must be targeted and based on reasonable suspicion.

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Other modes of contact

- 4.41 The cashier at the prison is responsible for placing approved telephone numbers on each prisoner's phone list. Phone numbers, including those of authorised agencies such as the Ombudsman, are not automatically placed on prisoners' phone lists. It is important that every prisoner automatically has such numbers placed on their accessible number lists and this should be done as a matter of course without the prisoner needing to request it.
- 4.42 Privacy for conversations while on the telephone is extremely limited. Phones are all located in main thoroughfares making it easy for prisoners to hear each other's conversations. The cost for prisoners to telephone outside the Bunbury area is a contentious issue, as is the cost of long distance calls at all prisons in WA. Also, with a new contract for the provision of telephone services, the Inspectorate will monitor the benefits to prisoners promised by the new arrangements.
- 4.43 As a prison accommodating prisoners who usually live in areas throughout the State, it is important for the prison to provide the opportunity for prisoners to have access to video link visits. At Bunbury, the information officer is responsible for facilitating video links. The equipment is predominantly used to facilitate court appearances with the local court. Records indicate that since 2 February 2001, the prison facilitated 108 video link ups, with only two occasions being for inter-prison visits. None of these facilitated visits with family in the community. The cost of the video visits is relatively inexpensive (and so affordable by prisoners) and should therefore be available for use by those with family in remote areas.

CONCLUSION

- 4.44 Visits are a right and not a privilege. They should only be inhibited in the most serious of circumstances and for the wellbeing of children.
- 4.45 It is difficult to understand why both the U-shaped configuration and the enforcement of different categories of prisoners for visiting purposes need to be enforced at Bunbury Regional Prison. If implemented strictly and thoroughly, the system of categorising and prohibiting specified prisoners from having any access to children should suffice to prevent any recurrence of the 1995 incident. The prison must be more thorough in monitoring its own category arrangements and then the visits configuration would not be so important.
- 4.46 Security issues can be effectively dealt with through proper processing, record-keeping, visit segregation and improved supervision, without sacrificing the necessary family contact and the maintenance of relationships with loved ones, especially fathers and their children, of prisoners who fall under the standard visits category.

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- 4.47 To this end, more stringent proactive checks should be introduced to ensure the positive identification of children permitted entrance to visit prisoners who fall into the 'standard approved children only' category.
- 4.48 The Department should coordinate a universal approach to prisoner visiting categories to ensure the same policies and procedures are in place across all prisons in Western Australia, to ensure prisoners are not discriminated against on the basis of their location. Restrictions with regards to children should not prejudice the visiting rights or regimes of offenders not charged with child maltreatment.

Chapter 5

SECURITY, CONTROL AND DISCIPLINE

SECURITY – STRIKING A BALANCE

Physical security

- 5.1 Bunbury Regional Prison contains the security measures that would be expected of a medium-security facility of its size and location. In a security policy and procedure context, the prison functions well. This aspect of operations does not generally dominate the services delivered at the prison.⁴⁷ The local administration and staff endeavour to create a safe environment and are consistent in their approach to security issues. There is an acceptable balance of the need for appropriate security measures with the rehabilitative, wellbeing and reparative needs of prisoners.
- 5.2 The external security system consists of an outer 'defence' system that protects all areas of the outer perimeter. An infra-red detection system is installed to protect the gatehouse. External Pan-Tilt-Zoom (PTZ) cameras are a part of the detection system and provide appropriate coverage of the relevant zones. The perimeter fence is a single high steel-link mesh design with four coils of barrier razor wire – well up to medium-security specifications.
- 5.3 Within the prison itself, the maximum-security accommodation is more secure, as would be expected. It is, however, outmoded in design and is unnecessarily overbearing and visually intrusive, despite recent refurbishment and renovation. Works completed included the renovation of ablution blocks, enhanced supervision through the installation of CCTV cameras and the construction of two exercise yards for prisoners undergoing confinement in punishment cells. Despite this, the amenities remain crude and deliver a marginal quality of service.
- 5.4 To ameliorate the impact of the standard of this accommodation, the security classification of prisoners is carried out responsibly, but with a mind to enabling as many prisoners as possible to be held in the medium-security environment. Approximately 95 per cent of remand prisoners are designated medium-security following review. This practice is encouraged, and has been performed in proportion to assessed risk, as is demonstrated by the absence of escapes.⁴⁸
- 5.5 Since the closure of the external minimum-security area, Bunbury has in effect become a two-tiered prison: medium-security and maximum-security. As discussed in Chapter 3, opportunities for minimum-security prisoners have been significantly eroded, and the strip-search procedures associated with movement in and out of the prison to access external work options (market garden) has caused significant numbers of prisoners to opt out of participation.⁴⁹ During a group meeting, minimum-security prisoners stated there were no real incentives or advantages (either in the sense of security or privileges) to the lower security classification.⁵⁰

⁴⁷ The visits regime is the only real exception to this statement.

⁴⁸ While there have been no escapes from the medium-security prison, there were two escapes from the (now closed) minimum-security section in the two years preceding the Inspection.

⁴⁹ See also paragraph 3.66, above.

⁵⁰ Local management has endeavoured to accommodate all minimum-security prisoners in self-care since the closing of the minimum section, prisoner behaviour permitting.

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- 5.6 Record-keeping and routine checks are well documented. There are daily tool checks in the workshops, and the area is also subject to regular searches. The gatehouse maintains good records relating to searches and emergency procedure exercises. The prison also fulfils the standard for regular (random) cell searches of two cells per unit per day. The main categories of contraband found are drugs, weapons and tools; however, there is little evidence of major security breaches from the workshop. Most of the items found are 'simple', in that they can be easily constructed from readily available materials, rather than 'complex' items that would involve considerable prisoner planning and effort to obtain. This also bears upon the safety of staff and prisoners, supporting the earlier stated premise that staff and prisoners generally feel safe in the prison environment.
- 5.7 Perimeter barrier controls to prevent contraband entering the prison are in reasonable order, given the medium-security perimeter configuration of the prison. However, the eastern side of the prison has a large adjacent scrub area that potentially provides opportunities for contraband to be thrown onto the open grounds of the prison. In the past, the prison has submitted proposals to have a PTZ camera installed, using the justification that this was necessary to monitor the nearby minimum-security unit, but the business case fell away when that unit was closed. There would be merit in re-submitting the proposal on the grounds of barrier control for the introduction of contraband, and in the light of the Department's increased emphasis upon drug supply reduction as part of its overall Drug Plan. Such a case would seem highly persuasive.
- 5.8 Records documenting searches conducted on prisoners indicate that the practice is not over-zealous and is appropriate for the security rating and general risk profile of the prisoner population. Nine strip searches were conducted in November 2002. Searches conducted after visits (an opportunity for contraband to be bought into the prison) totalled 16 in October and five in November. The differential indicates an appropriate approach, in that such searches are conducted on reasonable suspicion and not routinely as a matter of course.
- 5.9 Drug sample strategies are consistent with the findings from the Hakea Inspection;⁵¹ the prison does not sample five per cent per month.⁵² Instead there are two sample months that are widely known to prisoners – a practice whose predictability would seem to defeat the purpose. This has been explained as a strategy to limit cost.⁵³
- 5.10 For similar reasons, actual drug analysis is only limited to the most commonly used substances, rather than being linked to changing substance abuse patterns that may come to the knowledge of the prison's security manager (for example, steroids and other newly emerging illegal drugs). Moreover, unlike the

⁵¹ *Report of an Announced Inspection of Hakea Prison*, Office of the Inspector of Custodial Services, Report No. 12, March 2002.

⁵² Standard practice in the United Kingdom is to test at least five per cent of the prison population per month (HM Prison Service, Prison Service Order No. 3601). The Department does not endorse that figure as part of its own practice, but it does seem to be a widely accepted notion of good practice.

⁵³ Contrast the terms of the contract with Acacia Prison, which require monthly testing targets to be met and set a cap on the number of positive results permitted.

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practice at Wooroloo Prison,⁵⁴ there is no baseline test performed upon the reception of a prisoner.⁵⁵

- 5.11 The results from the targeted drug testing of prisoners over the months preceding the Inspection were 11 tests in November with seven positive results, five tests in October with two positive results, and seven tests in September with three positive results. It would seem that the targeted tests are compensating for the lack of regular random testing. However, the results from target samples are possibly lower than one would expect, given that testing is reportedly based on intelligence information.

Dynamic security

- 5.12 Good dynamic security rests on the premise of a healthy interactive relationship existing between staff and prisoners. The sharing of information that flows from such a relationship enables staff to be aware of current issues in the prison and to counteract these before there can be any escalation of risk.
- 5.13 Pre-Inspection surveys of staff and prisoners provided conflicting information about the current state of staff/prisoner relationships. Staff reported that the relationship was reasonably good. In contrast, prisoners stated that relationships were neither respectful nor supportive. During the course of several staff meetings, some of which included local management, it became apparent that the prisoners' comments reflected subtle negative changes in the relationship. Staff conceded the recent history of staff/prisoner dynamics had been negatively affected by several industrial and operational issues; effort to service the TOMS IT computer, lack of guidance/supervision within ranks, lack of training support and other work pressures. Although staff themselves did not state this, it was evident that the shadows of uncertainty cast over the prison's continuation had also impacted negatively upon relationships with prisoners. Importantly, staff were keen to restore the previously high level of constructive interaction.
- 5.14 Despite the negative comments of prisoners in the survey, interviews conducted during the course of the Inspection indicated that relationships with staff were more positive at Bunbury than at some other prisons. Observations of Inspection Team members were that dynamic security was positively provided through appropriate use of staff deployments. Rather than stationing staff constantly at fixed posts, the ability of staff to move physically throughout the prison facilitated positive dynamic security.
- 5.15 Prisoners reported feeling safe at the prison, which is also a positive indication of an acceptable level of dynamic security.

⁵⁴ *Report of an Announced Inspection of Wooroloo Prison*, Office of the Inspector of Custodial Services, yet to be published, October 2002.

⁵⁵ This means that a recently arrived prisoner can have a positive reading, in particular for cannabis, without having used that drug since arrival at Bunbury Prison. Detectable levels of cannabis may remain in the bloodstream for many weeks after use.

BULLYING AND PROTECTION MANAGEMENT

- 5.16 All prisoners at Bunbury Regional Prison generally reside in the mainstream environment, with protection status being afforded as an exception rather than a rule. This is the case despite a relatively large proportion of prisoners having been convicted of sex offences and/or falling under the category of vulnerable. In this regard, Bunbury is exemplary.⁵⁶
- 5.17 Prison management stated that the two main mechanisms enabling them successfully to run an integrated regime have been maintaining a ‘critical mass’ of sex offenders and making it clearly known that bullying and other aggressive behaviours against vulnerable prisoners will not be tolerated. ‘Critical mass’ has generally meant at least 40 per cent of the prisoner population; however, in the past 12 months and at the time of the Inspection this level, has fallen to about 30 per cent.⁵⁷ Despite this, the reported level of incidents has not increased.
- 5.18 The non-acceptance of bullying is known and accepted (if somewhat begrudgingly) by most prisoners. Prisoners across the system are aware that, if they transfer to Bunbury, sex offenders and other vulnerable prisoners are in the mainstream environment, and bullying against them will result in transfer out of the prison. As prisoners who are located at the prison generally want to stay there (especially those who are from the local area), this enforced behavioural standard assists in controlling bullying behaviour.
- 5.19 Positive dynamic security and relatively good staff/prisoner relationships contribute to the anti-bullying policy, as many prisoners interviewed stated they felt comfortable approaching certain staff to inform them of inappropriate behaviours and had relative confidence action would be taken.
- 5.20 Whilst protection is rarely used at Bunbury, prisoners who request to move to a segregated regime are accommodated when necessary. Over time, the prison will endeavour to gradually reintegrate the prisoner back into the mainstream environment. This has generally succeeded. Any prisoner who does not want to graduate back to the mainstream is transferred to another prison, as the maximum-security facilities utilised for short-term protection cases are inadequate to sustain a long-term placement.⁵⁸
- 5.21 The results from the survey of prisoners conducted prior to the Inspection found that overall prisoners felt safe, with 81 per cent of respondents stating they always feel safe or mostly feel safe. Despite this, prisoners stated that there was some level of bullying, intimidation and stand-overs, and this allegedly was targeted mainly at sex offenders by both prisoners and staff.
- 5.22 Some mainstream prisoners believe that sex offenders are given preferential treatment and that much of the regime revolves around them at the expense of other prisoners; thus they resent the integrated

⁵⁶ See Report No. 15, *Vulnerable and Predatory Prisoners in Western Australia: A Review of Policy and Practice* (Office of the Inspector of Custodial Services, Perth, 2003).

⁵⁷ See paragraph 1.24 above, regarding the prison’s population profile.

⁵⁸ See paragraph 5.3, above.

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environment. Staff and management are aware of this perception, and with the decreasing numbers of sex offenders need to be vigilant in ensuring that bullying remains unacceptable. For the record, the Inspectorate saw no evidence of favourable treatment for this category of offenders.

EMERGENCY PROCEDURES

5.23 A test was undertaken to time the response to a simulated external fence intrusion. The prison has set a self-imposed standard of responding to such an event. In some regards the test was artificial in that, during an actual breach of the external fence, the Police Service would be called to deal with the external intrusion. In the event, the prison did undertake an emergency population count and deployed an internal recovery vehicle within the specified time.

5.24 However, there were some deficiencies identified in the population count procedures. These were discussed frankly by the prison management team during a full debrief with staff (and attended by the Inspection Team), and action was taken immediately to amend the written procedures relating to the problem areas identified. The prison's reliance on police attendance and support is governed by good relationships between the individuals involved rather than a comprehensive memorandum of understanding with emergency services agencies. This is a complex issue that should be taken up on a Departmental basis at all prison facilities that rely on such agencies.⁵⁹

DISCIPLINE AND PUNISHMENT

5.25 The generally positive operational culture within the prison is evidenced in the relatively low rate of incidents reported. Consequently, the use of close supervision is low. The main cause for those confined placements that do occur are drug-related.⁶⁰ There have been occasional transfers from C Block accommodation to the maximum-security unit. These have involved individuals who were assessed as being disruptive to the wider prison community. However, as the prison population has dropped over the past 12 months, so too has the need to use the unit for this purpose.

5.26 Another form of punishment within the hierarchy model employed at the prison is to demote prisoners residing in self-care back to the less privileged C Block. This occurred on only four occasions in 2002.

5.27 There are occasions when the hierarchy model whereby prisoners must earn progression through the accommodation levels has been bypassed. This is usually in circumstances where offenders have been assessed as being unlikely to cope in the environment of C Block, and will be progressed immediately to self-care. This is only done after extensive discussion between relevant staff, and the impact on other prisoners has been considered. This is good practice in the sense that it shows

⁵⁹ There is a Department-to-Department Memorandum of Understanding in existence between Justice and Police, but the protocols seem to be less formalised at the local operational levels.

⁶⁰ Of the 46 charges that resulted from incidents in the period of 7 July 2002 to 7 November 2002, 22 were for use of a drug not lawfully issued.

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concern for prisoners' wellbeing and safety in a documented, systemic and fair way.

- 5.28 The use of loss of privilege (LOP)⁶¹ as a disciplinary measure was low, with only 36 recorded instances of its use in the six months preceding the Inspection. There was no evidence of informal sanctions being used by staff as a method to control or punish prisoners inappropriately.
- 5.29 The law governing prison offences is contained in Part VII of the Prisons Act 1981. Under the Act, prisoners may be charged with a prescribed minor prison offence,⁶² or a more serious aggravated offence⁶⁴. Under Section 74(2), the visiting justice may direct that an aggravated offence be heard in 'open court' rather than within the prison. Different statutes and rules govern the hearing of charges in each setting, and the potential punishments are also different. Traditionally, this power has seldom been exercised, and a magistrate generally hears charges in the prison with the Prisons Act providing the rules and procedures.
- 5.30 However, a different practice has developed at Bunbury. Under direction from the local Stipendiary Magistrate, visiting justices have recently begun to refer aggravated offences, particularly those relating to positive drug tests and other drug-related matters, for prosecution in the Bunbury Court of Petty Sessions. A number of prisoners referred to the court in this way have received custodial terms on top of their original terms.
- 5.31 This procedure is not the preference of the prison management since it depletes staff resources for officers to attend outside court and prison officers who are tasked with prosecuting the charge are not trained in the necessary court protocols and standards of evidence. The practice has also resulted in some prisoners having extra time added on top of their current sentence for breaching the Act, meaning they are subject to punishment disproportionately to prisoners at other prisons. The prison is also open to having costs awarded against it if the prosecution fails.
- 5.32 The court, for its part, believed that, if the matters involved in the charge are so serious that in the opinion of the visiting justice they amount to an aggravated charge, then it is in the public interest to hear them in an open court. This is especially so with serious drug charges. The position was put that the alleged behaviour would be unlawful in the general community and therefore should be accountable in the same way as in the community.
- 5.33 Despite the obviously good intentions, these arguments do not recognise the differences presented by the prison environment, such as prisoners being subject to compulsory drug testing, the use of cautioning in the community for cannabis offences and that some actions that constitute aggravated prison charges are not illegal in the community.⁶³ Merely applying community rules lacks context.

⁶¹ Under Director General's Rule 3, the Superintendent or Unit Manager may withdraw any prisoner privilege under five specified circumstances by following the procedure set down in the Rule.

⁶² Prisons Act 1981, section 69.

⁶³ In addition, the laying of charges is also generally subject to police discretion, which cannot occur in the prison context.

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The Superintendent has endeavoured to gain support from head office to address the situation, but of course this issue runs into the sensitive standard of judicial independence. It is likely that the matter, if it cannot be dealt with by persuasion, could only be resolved by statutory amendment to section 74(2) of the Act.

- 5.34 To assist in the issue of resourcing, the court is proposing to conduct training for the relevant prison officers to assist them in the prosecution of aggravated prison charges in open court. This does not address the issue of resource depletion or the inequity in subjecting prisoners to penalties beyond those faced by other prisoners at other facilities. The Department needs to link up within its own hierarchy to achieve a reasonable outcome for both the prison and the court.

GRIEVANCES

- 5.35 Bunbury Regional Prison was one of the sites chosen by the Department of Justice in 2001 to develop and trial a new prisoner grievance process. During the development period, no staff training was provided. The system is now operational in all prisons throughout Western Australia; however, no staff training was provided to Bunbury staff until a week before the Inspection of the prison.
- 5.36 The process is based on the principle that grievances should be remedied at the earliest opportunity and at the lowest level possible in the chain of command. Prisoners are entitled to progress their complaint to each successive level if they are dissatisfied with the outcome achieved.⁶⁴
- 5.37 Only seven official prisoner grievances had been filed at Bunbury Regional Prison in 2002. However, the Inspection commenced with some concern about the operation of the process. Prisoner survey results alleged that staff would destroy grievance forms submitted and that prisoners had little confidence in the system. Despite probing during the Inspection, there was no evidence that this was occurring, and prisoners questioned directly about this issue were satisfied the process was operating as intended. In fact, staff and prisoners displayed an awareness of the different complaint procedures available, with evidence of staff facilitating and assisting the formal grievance process with prisoners.
- 5.38 One of several conclusions could be drawn from the low level of grievances filed and the conflicting survey evidence presented. It is possible that grievances are not being filed as required, and hence only seven are documented. Alternatively, the informal procedure described below (the 'I want parade') may be fulfilling the needs of most prisoners. Another contributing factor could be that the use of Bunbury as a development site for the process, coupled with the lack of staff training, has resulted in forms being destroyed because they were incorrectly filled out or the request was not one that should have gone through the formal process.

⁶⁴ There are four levels to progress through in the resolution process after endeavouring to solve the issue with a unit officer: Unit Manager, Superintendent, Grievance Manager and Grievance Review Panel.

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- 5.39 A fault in the Departmental process is the automatic referral of unresolved matters in the first instance to the Unit Manager (who is a Senior Officer). In many instances it is the decision of that same Senior Officer that is the source of the complaint, leaving the officer to sit in judgement of her or his own actions.
- 5.40 Despite the initial conflicting statements, during the Inspection period the evidence gathered indicated that the system seemed to be operating adequately to meet the needs of prisoners.
- 5.41 The official grievance process is supplemented by what is known locally as the 'I want parade', and seems to be where the bulk of prisoner issues are addressed. This arrangement is unique to Bunbury Prison. The process occurs each morning in the accommodation units, where prisoners come forward to the unit or senior officer to state their concern or need. The request is granted or denied at that level. If the request is granted, the officer fills in a form to document the request. As long as this local practice does not take over from the properly documented formal procedure, it is an acceptable way to address issues on a more informal level and before they potentially escalate into larger problems.

CONCLUSION

- 5.42 The community of Bunbury can have confidence in the security provided at its regional prison. Security is of a standard that is acceptable and meets the risk posed by the majority of those accommodated there. However, minimum-security prisoners gain little from their classification, and some innovation in the regime would benefit the reintegration needs that the Department is obligated to provide.
- 5.43 Security does not dominate the regime and a good balance is provided with the other three cornerstones of the Department of Justice's custodial philosophy. Staff and management appropriately provide appropriate custodial services, evidenced by the fact that both prisoners and staff feel safe working and living in the prison environment.

Chapter 6

STAFF AND MANAGEMENT

RELATIONSHIPS

- 6.1 A stable management team has been a feature of the leadership at Bunbury Regional Prison. Staff responses to the leadership team are mixed; some were dissatisfied while others heaped praise. However, regardless of the opinion of individual staff about relationships with local management, over 80 per cent stated in the pre-Inspection survey that they were treated with respect.
- 6.2 Residual bitterness from staff towards head office remains, with the majority of negative comments being associated with how it chose to manage recent staff downsizing – since January 2002 the prison had lost 14 full-time equivalent positions (FTE). While internal restructuring at a local management level meant no uniformed officers were forced to leave the prison (which had been the experience at Albany Regional Prison),⁶⁵ there was much anger at how the exercise was handled at a Departmental level.
- 6.3 A good prison requires dedicated and motivated staff. The Bunbury uniformed staff are very experienced, the pre-Inspection survey indicating that those who responded had an average of more than 14 years' operational experience. In addition, most staff have only ever worked at Bunbury Regional Prison, and even those who had worked elsewhere had done so for only short periods of time. The view of some prisoners is that this makes officers rigid in their ways, with parochial practices that would not be tolerated elsewhere in the system. However, the Inspection Team did not find this criticism justified.
- 6.4 Management debrief meetings are attended by all the functional section heads, with the exception of programs. This omission was attributed to the current confusion in organisational reporting.⁶⁶ The management meeting itself demonstrated strong leadership team commitment with input from the highest levels.

RESTRUCTURE AND DOWNSIZING

- 6.5 The downsizing exercises affected both administrative positions and uniformed staff. Ultimately, no uniformed staff member was forced to redundancy because restructuring and voluntary transfers brought about adequate changes to absorb the necessary numbers.
- 6.6 One of the positions found to be surplus to requirements is a level one administrative position. However, the Inspection Team observed that in general the prison managers were unduly desk-bound and had to inappropriately undertake clerical tasks. It is essential to many of these positions that they are visible in the prison and maintain regular contact with staff and prisoners, and the administrative demands were hindering this. A more comprehensive business case to retain the level one position can, and should, be made. Indeed, it is remarkable that there is not sufficient devolution

⁶⁵ *Report of an Announced Inspection of Albany Regional Prison*, Office of the Inspector of Custodial Services, yet to be published, September 2002.

⁶⁶ See paragraphs 2.24–2.25, above.

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of budgetary responsibility for the Superintendent to be able to make such decisions without reference to head office.

- 6.7 A meeting was conducted with uniformed staff, primarily to discuss the contradiction in the pre-Inspection survey results about staff and prisoner interaction, but also to explore the relationship between staff and management. In the recent turbulence caused by the reduction in staff numbers, there was a general consensus that management had appropriately supported staff.
- 6.8 The reasons for the resentment of staff and management towards the Department of Justice human resources management process was typified by the fact that the team responsible for the human resources strategic plan did not visit Bunbury Regional Prison personally to assess its needs; rather these were discussed during one phone call with local management. Only 18 per cent of surveyed officers believed that head office treats them with respect.
- 6.9 Staff also stated that they would like more ongoing feedback about their performance from management. The perception is that the staff appraisal system has effectively fallen into disuse. And this is not isolated to Bunbury, but is true across the system as a whole.⁶⁷ Nevertheless, it demonstrates the strength of staff commitment to continuous improvement and personal goal setting.
- 6.10 The TOMS prisoner information management system is the other primary issue for uniformed staff. It was universally reported that the system is incredibly difficult to negotiate, and is impractical, time consuming and removes officers from their core function – managing and interacting with prisoners.
- 6.11 Staff stated that they have not been properly trained to use the system. For the officers who are computer literate and have figured some of the system out for themselves, it is slow and cumbersome. Updates are sometimes made without notice and without explanation.⁶⁸ Most officers estimated that in a 12-hour shift they would spend three hours trying to service TOMS. They are serving the system rather than the system serving them. The Department needs to act urgently to reassess this impediment to the prison operation.

THE EXPERIENCES OF FEMALE STAFF

- 6.12 For the first time during a prison inspection, Inspection Officers were told that female staff (particularly uniformed but also non-uniformed) had been experiencing some levels of intimidation by fellow employees. The attitude of some male staff towards their female colleagues was exemplified

⁶⁷ A notable exception to this was found in the recent inspection of Greenough Regional Prison. This would seem to indicate that local management at other prisons should be able to find the capacity to carry out this key task.

⁶⁸ The Department commented that 'updates on TOMS are communicated to all staff in advance by e-mail and include instructions on changes.' That comment would seem to epitomise the problem – an expectation that staff would readily absorb via a computer system further changes to their computer system, rather than being thoroughly trained to use a system that remains relatively stable.

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by reactions to a meeting Inspection officers conducted with female staff. Some found it difficult to find male officers who would cover for them while attending the meeting. One particular male staff member interrupted the meeting constantly by telephone with demands for female staff attending the meeting to immediately perform other (non-urgent) tasks. The situation escalated to the point where Inspection staff had to intervene and ask for these interruptions to cease.

- 6.13 In general, female officers feel unsupported, undervalued and intimidated. It was clear that as a group they felt they could not rely on or trust anyone within the hierarchy to resolve the longstanding issues caused by these behaviours. There have also been occasions that female staff have raised safety concerns with management, for example feeling vulnerable when rostered to isolated areas of the prison, and they do not feel that support for the resolution of these issues has been received. It is inappropriate to dismiss the occupational health and safety concerns of any staff member.
- 6.14 There has been significant turnover of female staff members at the prison over the past five years, and there has not been full replacement in proportion to their attrition. Discussions with female staff indicated that the trend of resignations could continue and the gender balance of officers could continue to decline. That should be of concern to the Department since female staff are essential to the operation of any prison. A review of the situation of female officers in the prison should be undertaken urgently.
- 6.15 The lack of staff grievance officers at Bunbury meant that those who wanted to take action to resolve the problem had no point of support and contact within their own ranks. There is no staff mentoring system in place, and the peer support system that was previously in place was not viewed as effective in dealing with these kinds of issues. This is despite the fact that a female staff member was part of the peer support team. This indicates the powerlessness of female staff even within structures established to assist with such issues.
- 6.16 Action has to be taken to illustrate to all staff (whether uniformed, non-uniformed or management) that intimidation of any kind will not be tolerated. While the behaviour was reported to be isolated to a few instances, it has been allowed to continue unchallenged. It is ironic that at a prison that prides itself on intolerance of bullying of prisoners by other prisoners has permitted these developments amongst its staff.

INDUSTRIAL OFFICERS

- 6.17 The experience of the Inspectorate at prisons throughout Western Australia has been that industrial officers sometimes feel alienated and disengaged from prison management and/or other uniformed staff. This was also true to some extent at Bunbury Regional Prison; however, there was also a significant number of staff who were positive about their place in the prison.
- 6.18 A significant group of industrial officers stated they had long been in conflict with local management over a number of issues that they felt showed a lack of support and recognition of their role.

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A decline in production from the market garden caused by the closure of the minimum-security section and the reluctance of prisoners to work out there has caused recent friction. The poor condition of some capital equipment was also an issue in declining productivity, yet there was no local or Departmental support for asset replacement.⁶⁹

- 6.19 Universally, industrial officers described extensive difficulties with the new GEMS (IT) purchasing system, which forces them to use certain suppliers of goods. It was viewed as excessively cumbersome and difficult to understand, and had forced them to sever long supply relationships only to endeavour to use new and intolerant suppliers who did not meet operational needs. The new system had imposed an additional burden on processes already under considerable strain.

TRAINING

- 6.20 The constantly recurring issue of staff training was also a substantive point for staff at Bunbury Regional Prison. Consistent with other prisons in Western Australia, the main training reported to have been undertaken by staff has been prison security and prisoner control related. As a pilot site for a number of Departmental initiatives, the paucity of training in a number of areas (such as case management, unit management, grievance process) is surprising. As a case management pilot site, for example, only 38 per cent of officers who responded to the survey indicated having received relevant training.
- 6.21 Another particular area of concern is the low level reported of Occupational Health and Safety training, including Cardio-Pulmonary Resuscitation (CPR). Of staff that responded to our survey, none had received CPR/First Aid training in the past two years. This was a major issue, particularly for industrial officers. With the average age of prisoners at Bunbury being significantly older than at other prisons, staff were concerned about their capability to supply proper first aid in the case of heart attacks, stroke and other age-associated medical emergencies.⁷⁰
- 6.22 Department of Justice general investment in training is poor. Locally, there have been some recent attempts to deliver training. In the ten weeks preceding the Inspection, a lock-down of prisoners had been instituted on Thursday mornings to facilitate three-hour training sessions for staff. Officers were cynical about this commitment to training and believed it would cease after the Inspection. On a liaison visit less than two weeks after the Inspection, the training had indeed stopped.⁷¹ This was explained by the availability of trainers from Perth having ceased after the Inspection, and the number of qualified trainers on-site being low and so there was no one available to provide the training on this occasion. It was also stated that the prison was not being supported in assisting staff

⁶⁹ The Department in its response comments that there has been an asset replacement program and that the market garden has been supplied with a schedule for replacement of equipment. Certainly, the evidence of one's own eyes is not in complete accord with that claim, but in any case the broader point is that a State-wide asset replacement schedule should be developed, boosted by discretionary budget utilisation at a local level.

⁷⁰ Note *Royal Commission into Aboriginal Deaths in Custody*, May 1991, Recommendations 154, 159 and 160.

⁷¹ On a subsequent visit in April 2003, training had again been occurring regularly at the prison.

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to gain the necessary qualifications. Improvements must be made, not only at Bunbury, but also across the entire prison system.⁷²

CONCLUSION

6.23 Staff and management at Bunbury Regional Prison are dedicated and generally work well together.

The recurrent theme across prisons, of lack of diversified training that is relevant to the specific prison at which officers work, was again a key element of staff concern. A comprehensive analysis of staff training needs at each prison site should be undertaken, and a strategic plan for addressing those needs should be immediate.

6.24 Appropriate and supported staff networks at the prison should be established and led by the highest levels of management. It is important that allegations of intimidation of female staff be taken in hand immediately and personal responsibility be taken by the Superintendent to resolve the issue. The integration of all staff to feel a part of the team at the prison will only enhance the already overall positive performance of its staff.

⁷² A follow-up visit in late April 2003 indicated that the three-hour training sessions had re-commenced. The arrangements are obviously fragile – altogether too dependent on factors that local management cannot really control.

Chapter 7

A NEW IDENTITY

- 7.1 The Inspection of Bunbury Regional Prison has provided it with an opportunity – to put the difficulties of the preceding 12 months behind it and to look forward and reassess its identity. The prison and the Department must accept its role as a true regional prison, which serves the needs of its local community. In this respect, Bunbury is an essential component of the total Western Australian prison system.
- 7.2 Staffing levels, the closure of accommodation units and the decrease in prisoner population have preoccupied much of the thoughts and energy of Bunbury administration, staff, and even the prisoners.⁷³ Concern has focused on trying to maintain the prison in its context as a ‘programs prison’ and work against the fear of closure. In some respects that fear has not been misplaced, as it was an open secret that the Department was seeking to rationalise operations and the possibility of closing one, or indeed, multiple prisons in the State was under active consideration.
- 7.3 The closing of the minimum-security section was seen as an indicator that Bunbury was one of those facilities under consideration for closure. Acacia had removed a large proportion of what had traditionally been seen as Bunbury’s main catchment – medium-security male prisoners who were convicted of sex offences and who were required to undertake sex offender programs.
- 7.4 The Inspection found that, while it was true that to some extent the previously natural population was being moved to Acacia, Bunbury still maintained a significant role in delivering high-intensity sex offender programs. In addition, a new role and obvious focus was presenting itself to Bunbury – as a true regional prison, serving the needs of its local community to accommodate the increasing number of prisoners from the local surrounding areas. There is sufficient throughput at a regional level to justify this. In effect, Acacia Prison’s opening properly catered for the previous overcrowding at the prison.
- 7.5 This Report has shown that the prison does many things very well, is an important part of its local regional community and should not be spoken of in terms of possible closure.⁷⁴ Bunbury Regional Prison now needs to look forward with comprehensive master planning so that in due course it can revert to being a genuine three-tier prison – maximum-, medium- and minimum-security. This would be a necessary requirement for a proper regional prison servicing the needs of the community and contributing fully to the Government’s re-entry strategy.
- 7.6 The prison currently services five courts in the region, and therefore has an important remand function. This requires accommodating some maximum-security remandees and other local prisoners who may need to appear in local area courts. This will require planning for further improvement to the maximum-security facilities currently available.

⁷³ This Office received numerous letters from prisoners protesting against the threatened closure of ‘their prison’ during the February 2003 period in which this had seemed to be a likely outcome of Government policy.

⁷⁴ Subsequent to the Inspection it was decided that neither Bunbury Regional Prison, nor any other prison, should be closed at this time.

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- 7.7 Chapter 3 highlighted the inadequate facilities and opportunities for minimum-security prisoners. An accommodation facility already exists – though it requires some refurbishment – and there are ample opportunities in the community to ensure the Government’s re-entry initiative can be followed through to resettle local prisoners successfully back into their community.
- 7.8 A comprehensive suite of programs must be offered to meet the needs of all local prisoners. The therapeutic environment of the prison ensures that the Sex Offender Treatment Program can also successfully continue to operate.
- 7.9 Prison management and the Department need to commit to the development of a master plan for the future of Bunbury Regional Prison. This must include plans as to the future use of the site, including the valuable assets of the minimum-security facility and the market garden, and should also address the role of the prison in the totality of the Western Australian prison system as a whole.

RECOMMENDATIONS

1. The range of treatment programs provided at Bunbury Regional Prison should be expanded to ensure that all prisoners, and especially local prisoners, can fulfil the requirements of their individual management plans at the prison (Paragraphs 2.16–2.23).
2. Staff training should be increased, with particular emphasis on case management, cultural awareness and the TOMS IT system (paragraphs 3.9, 3.59, 6.10–6.11 and 6.20–6.22).
3. To minimise inter-prison transfers and to ensure that medium- and minimum-security prisoners are not temporarily accommodated in maximum-security environments to receive medical treatment or, alternatively, that they refuse such treatment so as to avoid transfer to maximum-security, the Department should urgently explore the question of accessing specialist health care services from within the existing regional community health care facilities (Paragraphs 3.15–3.19).
4. The Department should clarify the role of work in the prison environment to provide direction to staff and prisoners. In light of this, local management should then take an active role in ensuring that work, education and skilling are appropriately integrated to ensure optimum rehabilitative outcomes for prisoners (Paragraphs 3.36–3.47).
5. Strategies should be developed at a local level to assist in overcoming the structural barriers to equality of access to services for Aboriginal prisoners and be provided with full support by the Department (Paragraphs 3.52–3.59).
6. With regards to minimum-security prisoners (Paragraphs 3.60–3.70):
 - (a) A comprehensive assessment should be made of the needs of minimum-security prisoners in Bunbury and the South-West region,

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- (b) The Section 94 program should be reinvigorated, and
 - (c) A business case to the Department should be prepared for the provision of resources to enable the delivery of a full range of appropriate services to minimum-security prisoners (Paragraphs 3.74–3.75).
7. The Department should review the facilities, policies and procedures for the operation of visits at the prison with the view to maintaining the safety of visitors while restoring a more positive visiting environment that encourages the development and maintenance of positive relationships (Paragraphs 4.4–4.32, 4.33 and 4.44–4.48).
 8. Local management needs to take responsibility for the wellbeing of staff and ensure that support systems are established to ensure that inappropriate behaviours between staff are not tolerated (Paragraphs 6.12 –6.16).
 9. The Department and local management should focus the future of Bunbury as a prison meeting the needs of its local prisoner population and its local regional community, whilst at the same time strengthening its role as a delivery centre for offender programs (Paragraphs 7.1 and 7.4–7.9).

Appendix 1

THE INSPECTION TEAM

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Appendix 2

DEPARTMENT OF JUSTICE RESPONSE TO THE RECOMMENDATIONS

1. The range of treatment programs provided at Bunbury Regional Prison should be expanded to ensure that all prisoners, and especially local prisoners, can fulfil the requirements of their individual management plans at the prison.

Response and Proposed Action

IMP requirements are determined through the assessment process. Prisoner placements are then determined so as to ensure that prisoners can access the programs they need. If prisoners have an assessed need for a particular program that is not available at Bunbury Prison, then they would typically be sent to a prison where that program is available. It is not possible for all prisons to deliver all programs.

Bunbury has a medium-intensity violence program available (MASU). Two programs were delivered in 2002, and the program is now scheduled and delivered every quarter. While the Department's prisoner data storage system (TOMS) can identify 'violent offenders' as stated in the Report in relation to 49 prisoners in Bunbury, the system does not specify treatment requirements and so it is difficult to determine what if any type of intervention may have been needed. An intensive violence program has never been scheduled at Bunbury because there has never been a demand for one. Bunbury has always ensured an appropriate mix of offenders in order to be able to safely manage a significant population of sex offenders and vulnerable prisoners. Prisoners with high needs in relation to their violent behaviour are consequently not sent to Bunbury. Albany is the appropriate regional prison in which to undertake an intensive violence program.

MASU also addresses substance use. Again, where there is an assessed need reflected in their IMP, prisoners will participate. The intensive drug program will become available in Bunbury later this year as a result of increased drug strategy funds.

Where there is a clear demand, i.e. an assessed need for other offence focused programs at Bunbury, the Department's Offender Services Branch will make every attempt to accommodate this need in a timely fashion. To date, this has not been the case.

Strategies being developed as part of the Re-entry Project will improve program options for prisoners released from Bunbury.

Comments about the lack of Cognitive Skills Programs are quite accurate. This was due to operational issues at the prison. This issue has been addressed.

DEPARTMENT OF JUSTICE RESPONSE TO THE RECOMMENDATIONS
AND ACTION PLAN

2. Staff training should be increased, with particular emphasis on case management, cultural awareness and the TOMS IT system.

Response and Proposed Action

Agree. At Bunbury, case management training is ongoing and an appropriate trainer is being sought for cultural awareness.

3. To minimise inter-prison transfers and to ensure that medium- and minimum-security prisoners are not temporarily accommodated in maximum-security environments to receive medical treatment or, alternatively, that they refuse such treatment so as to avoid transfer to maximum-security, the Department should urgently explore the question of accessing specialist health care services from within the existing regional community health care facilities.

Response and Proposed Action

The practice has been to arrange for some specialist consultations locally at Bunbury, and for others to be accessed in the Metropolitan Area.

The reasons for bringing prisoners from Bunbury to the Metropolitan Area include:

- Many speciality treatments are not available locally;*
- Appointments made before transfer to Bunbury and for retention of appointment(s) already scheduled;*
- A preference for use of the public hospital system, for budgetary reasons;*
- Appointments are often more readily available in the public sector.*

The Director Health Services will review this policy giving greater consideration to the negative aspects of transferring prisoners from Bunbury Prison to Casuarina Prison for treatment.

4. The Department should clarify the role of work in the prison environment to provide direction to staff and prisoners. In light of this, local management should then take an active role in ensuring that work, education and skilling are appropriately integrated to ensure optimum rehabilitative outcomes for prisoners.

Response and Proposed Action

The new prisoner assessment process, supported by case management of prisoners, is gradually improving the integration of work, education and skilling. The orientation period has been extended to a week and initial employment allocation takes into account educational/vocational screening prior to placement.

DEPARTMENT OF JUSTICE RESPONSE TO THE RECOMMENDATIONS
AND ACTION PLAN

5. Strategies should be developed at a local level to assist in overcoming the structural barriers to equality of access to services for Aboriginal prisoners and be provided with full support by the Department.

Response and Proposed Action

Bunbury Prison is actively working with local Indigenous stakeholders to eliminate structural barriers. The Aboriginal Strategic Plan has been supported by action plans and each prison is regularly required to report progress.

6. With regards to minimum-security prisoners:
- (a) A comprehensive assessment should be made of the needs of minimum-security prisoners in Bunbury and the South-West region,
 - (b) The Section 94 program should be reinvigorated, and
 - (c) A business case to the Department should be prepared for the provision of resources to enable the delivery of a full range of appropriate services to minimum-security prisoners.

Response and Proposed Action

Agree. The first phase has been to complete a prison profile project. Work has now commenced at two regional prisons to determine the future needs of the prison system for these areas. This will progress to considering the future role and function of other prisons in the state, including Bunbury.

7. The Department should review the facilities, policies and procedures for the operation of visits at the prison with the view to maintaining the safety of visitors while restoring a more positive visiting environment that encourages the development and maintenance of positive relationships.

Response and Proposed Action

Bunbury Prison will review its processes and procedures associated with visits.

A business case has been prepared for a major upgrade of the visit facilities.

As part of the Re-entry agenda, the Department has commenced a project concerning 'Family Friendly Visits'.

DEPARTMENT OF JUSTICE RESPONSE TO THE RECOMMENDATIONS
AND ACTION PLAN

8. Local management needs to take responsibility for the wellbeing of staff and ensure that support systems are established to ensure that inappropriate behaviours between staff are not tolerated.

Response and Proposed Action

Agree and actioned. Female staff are encouraged to convene regular meetings to ensure adequate local support mechanisms. The Training Branch is structuring a training course on the prison officer Code of Conduct for presentation at Bunbury Prison and at all prison officer recruitment courses.

9. The Department and local management should focus the future of Bunbury as a prison meeting the needs of its local prisoner population and its local regional community, whilst at the same time strengthening its role as a delivery centre for offender programs.

Response and Proposed Action

As per Recommendation 6.



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