



Government of **Western Australia**
Department of **Justice**
Corrective Services

Response to OICS Draft Report:

**2023 Inspection of West Kimberley
Regional Prison**

March 2024

Version 1.0 Final

Response Overview

Introduction

On 23 January 2023, the Office of the Inspector of Custodial Services (OICS) announced the 2023 Inspection of the West Kimberley Regional Prison (West Kimberley), to occur between 28 May – 2 June 2023.

To assist with the inspection, the Department of Justice (the Department) provided a range of documentation as well as access to systems, custodial facilities, staff and prisoners.

On 9 February 2024, the Department received the draft inspection report for review and has provided comments and responses to the 14 recommendations.

Department Comments

The Department welcomes the findings detailed in the draft report following the fourth OICS inspection of West Kimberley. Like all custodial facilities in Western Australia (WA), West Kimberley is not without its unique challenges and issues, although it was pleasing to note OICS acknowledged the prison's operating philosophy remained focused on Kimberley First Nations culture, and that satisfaction levels of the First Nations prisoners remained in line or above the State average.

West Kimberley has evolved since opening in 2012. Maintaining its original philosophy while managing a growing cohort of prisoners – that is nearly 50 per cent remand and younger – has placed pressure on resources.

An overall increase in the prisoner population across WA's custodial estate has resulted in more prisoners being accommodated at West Kimberley, which in turn can restrict the Department's efforts to keep most Kimberley prisoners on or close to Country. The limited bed capacity and strain on resources present service delivery challenges that are mirrored across the custodial estate.

The Department supports developing a Kimberley Custodial Plan, however, is cognisant of the complexities involved. As noted in the OICS report, *managing custodial operations in the Kimberley is complex and balancing the Kimberley Aboriginal Reference Group (KARG) principles with the extremes of distance, climate, isolation, and expense requires comprehensive forward planning*. This is not something the Department can achieve on its own and will require a whole of government solution.

The planned new Broome Regional Prison (Broome) will significantly increase the level of services and opportunities available to prisoners in the Kimberley region. Planning of the new Broome facility is in the early stages of development. In the interim, the Department is working on a number of prisoner population management strategies to increase bed capacity across the entire custodial estate, which is expected to ease the pressure on West Kimberley and Broome.

Recruitment and retention of staff is an ongoing issue for the Department not only at West Kimberley, but also for most regional locations. A recurring issue for the Department in regional locations is securing Government Regional Officer Housing (GROH), which is facing severe shortages as existing 10-year leases for subsidised housing near expiry. For the remaining GROH housing, there is strong competition

between Government agencies. Pay conditions are also not comparable to those offered by other employers in the region, including mining companies, particularly for qualified tradespeople.

Every effort is being made by the Department to recruit and retain staff, including focused regional recruitment campaigns to recruit locally based staff and a review of regional incentives to ensure parity across regions and for local and non-local staff. Ongoing engagement is occurring with the Department of Communities, the administrators of GROH, to advocate for further housing availability. In addition, a review of allowances and incentive entitlements for local and non-local staff is being undertaken, recruitment campaigns for key custodial positions are in progress and a Clinical Workforce Committee (CWC) has been established to identify and implement solutions to address the critical skills shortage of clinical staff across the custodial estate.

The Department commends West Kimberley's response to natural disasters, including the resilience of staff and prisoners during these times. The prison's response capabilities were put to the test during a 'once-in-100-years' flooding crisis in early 2023 after ex-tropical cyclone Ellie caused widespread damage to infrastructure and roads leading into Derby, isolating the town from receiving essential goods and services including food, medication, fuel etc.

In September 2023, West Kimberley experienced another natural disaster scenario with the outbreak of a bushfire at the nearby Curtin Air Force Base. The fire eventually came within about 1km from the prison boundary. West Kimberley's response was a testament to the natural disaster emergency management training of staff to ensure they were adequately prepared. Throughout the emergency, staff on-site worked collaboratively with the Department of Fire and Emergency Services (DFES) to protect the prison perimeter.

Following OICS' inspection, significant changes have been made to the earned privileges and incentives regime at West Kimberley. A review conducted by the senior management team (SMT) in August 2023 saw Unit 2 repurposed as an earned supervision self-care unit. It now offers prisoners a greater opportunity to improve their independence by performing daily skills themselves, such as cooking and cleaning. Unit 2 infrastructure upgrades including the replacement of old kitchen equipment and the installation of washing machines will help encourage prisoners to take self-care responsibilities.

Unit 1 remains as a standard supervision unit, however, two houses within the unit have been designated as transitional accommodation to Unit 2, providing additional self-care opportunities to assist in their transition to full self-care.

As a result of the changes to the earned supervision regime, the number of earned supervision prisoners increased from 10 to 35 in September 2023, aligning more closely with the original self-care operating philosophy at West Kimberley and helping reduce the workload and resourcing burden on certain work locations, including the kitchen and cleaning areas.

The Department is also pleased to note improvements to re-entry supports with the Transitional Manager at West Kimberley supporting prisoners approaching release and connecting them to services in the community upon release.

A number of enhancements have already been made since the OICS inspection and the Department will continue to work with West Kimberley to implement the recommendations made, the majority of which are supported.

Response to Recommendations

1 Finalise a Kimberley Custodial Plan that builds on the Kimberley Aboriginal Reference Group philosophy and specifies distinct roles for West Kimberley and Broome regional prisons.

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

Response:

The Department is supportive of the development of a Kimberley Custodial Plan to strategically guide the custodial management of prisoners in the Kimberley. Development of the plan however is complex given growing concerns over crime in the region, its isolated remote location, extreme climate, and significant expense for the provision of services. A whole of government approach is required and the Department will work with government to identify and support solutions, including the Marlamanu on-country diversionary program in the Kimberley recently announced by Government.

The plan also needs to take into consideration the planning and construction of the new Broome Regional Prison (Broome) which is expected to significantly increase the level of services and opportunities available to prisoners in the Kimberley region. Planning of the new Broome facility is in the early stages of development. Negotiations between the Department and the local council are currently underway in relation to the proposed Broome site.

Development of the Kimberley Custodial Plan will commence once the site has been confirmed and planning for the new facility is well advanced. In the interim, the Department is working on a number of prisoner population management strategies to increase bed capacity across the entire custodial estate, which is expected to ease the pressure on West Kimberley and Broome.

2 Establish maintenance and replacement schedules for systems, equipment, and infrastructure at West Kimberley.

Level of Acceptance:	Supported – Current Practice / Project
Responsible Division:	Corporate Services
Responsible Directorate:	Procurement, Infrastructure and Contracts

Response:

West Kimberley has an extensive routine maintenance schedule for its systems, equipment and infrastructure scheduled for the 2023-2024 Financial Year. Priority is given to critical areas of need with the option for the facility to report major breakdowns directly to the Department of Finance for building works and through the Programmed Facility Management Service Centre for security systems, who facilitate the necessary repairs or replacements with appropriate contractors.

It should be noted that repairs in the Kimberley region are often delayed due to the remote location and challenges faced in accessing contractors and replacement parts.

End-of-life replacements, such as air-conditioning systems, require funding submissions to Treasury for approval, which is standard practice for Public Sector infrastructure.

3 Deliver better regional incentives and parity for local staff.

Level of Acceptance: Noted
Responsible Division: Corporate Services
Responsible Directorate: Workforce Services

Response:

Payments and conditions of employment for Prison Officers are as contained in the Department of Justice Prison Officers' Industrial Agreement 2022 (the Agreement). Under the terms of the Agreement, Prison Officers are entitled to incentives, concessions and allowances depending on their location. The Agreement requires that the Department and the Western Australian Prison Officers' Union (WAPOU) to undertake periodic reviews.

The Department and WAPOU will soon be commencing negotiations for a replacement to the Agreement, and this issue will be raised by the Department as part of these negotiations.

4 Ensure health centre staffing resources are maintained.

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

Response:

In January 2024, the Department established the Clinical Workforce Committee (CWC) to identify and implement solutions to address the critical skills shortage of clinical staff across the custodial estate. Chaired by the Deputy Commissioner Offender Services, the CWC comprises all relevant stakeholders who can provide expertise in the recruitment and retention of clinical staff, including Health Services, Mental Health Alcohol and Other Drugs (MHAOD), Psychological Health Services, Rehabilitation and Reintegration Services, Human Resources and Workforce Services.

5 Increase access to Wyndham Work Camp by trialling a modified system of security classifications for Kimberley prisoners.

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

Response:

A project has been established under the Department's Innovate Reconciliation Action Plan (RAP) 2022-2024, extended to January 2025 to facilitate an increase in the number of Aboriginal prisoners eligible to participate in section 95 work activities,

including placement at work camps, through a review of security assessment processes involving Sentence Management and the policy team.

Wyndham Work Camp is an annex of Broome Regional Prison, its location being approximately 9 – 10-hour's drive by road from West Kimberley and is one of the most remote work camps in WA in terms of distance from its host prison.

It should be noted that placement at work camps is voluntary, and prisoners approved for work camp placement cannot be compelled to take up the placement. The remoteness of Wyndham work camp has been a deterrent to prisoners' willingness for placement at the location.

6 Ensure a voluntary Alcohol and Other Drug program is available at West Kimberley Regional Prison.

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

Response:

The Department is progressing the redesign of adult rehabilitation and reintegration services across the custodial estate, including exploring alternative program delivery methods and throughcare options for community-based programs and services offered via non-government organisations.

In the interim, a recently appointed MHAOD nurse at West Kimberley will be responsible for assessing prisoners for substance abuse issues and provide counselling where required.

7 Develop and publish a plan to provide dental services in Derby.

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

Response:

The entire Derby community, including prisoners at West Kimberley, currently rely on a fly in dental service approximately every 3 – 6 months due to there being no local dentist.

Delivered by Dental Health Services (DHS), Department of Health, the service is significantly stretched due to the high demand for dental services in the community.

The Department's Health Services meet regularly with the DHS management team to discuss and promote increased service provision of dental care to the custodial population. The Department is also mindful of the resourcing challenges faced in recruiting specialist medical professionals including dentists within Australia, particularly in the regions.

Prisoners needing urgent dental care are transferred to Broome prison where a consultation with the Broome dentist is arranged. In the event of a serious infection, prisoners are taken to the emergency department at Derby Hospital for antibiotics in the first instance followed by a dental appointment in Broome.

8 Improve protections and supports for prisoners with disabilities through better collaboration between the Departments of Justice, Health and Disability Services.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Offender Services

Response:

New disability awareness training modules for custodial and community-based operational staff have been developed to enhance the skills of staff and guidance on engaging external support services. Launched in February 2024, the training consists of four modules that focus on:

- Understanding and responding to individuals with disability.
- Disability in the criminal justice system.
- Government services for offenders with disability.
- Guardianship and Administration Orders.

In addition to the above training, the Department's Justice Liaison Officers, through the NDIS, are currently providing advice and awareness training on disability services available in the Pilbara and Kimberley regions.

9 Staff Unit 5 at West Kimberley Regional Prison whenever a prisoner is in cell.

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

Response:

All prisoners housed in Unit 5 are now monitored by an officer in the unit at all times.

10 Implement a less invasive drug testing procedure.

Level of Acceptance: Supported – Current Practice / Project
Responsible Division: Corrective Services
Responsible Directorate: Operational Support

Response:

COPP 10.4 Prisoner Drug and Alcohol Testing has been amended to be less invasive. Current practice only necessitates strip searching when there is a reasonable suspicion a prisoner has tampered with a test. Prisoners are required to provide samples directly into testing cups under observation of custodial officers.

The use of oral fluid drug testing, which does not require strip searching, is used in the first instance for routine drug testing. Oral fluid testing generates an indicative result, with urinalysis testing performed to confirm positive results. West Kimberley is in the process of introducing saliva testing and amending Standing Order 10.4 – Prisoner Drug and Alcohol Testing. Saliva test kits have been ordered and saliva testing will commence as soon as the test kits arrive.

Urinalysis testing must still be performed in the first instance under certain circumstances, including but not limited to intelligence-led targeted testing, for substances unable to be detected via oral testing, and drug prevalence testing.

11 Ensure that fire mitigation planning is effective and specifically addresses identified risks.

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

Response:

West Kimberley has established relationships with local emergency services including the State Emergency Service, DFES and WA Police where there is an understanding by all parties surrounding emergency assistance, even in the absence of a memorandum of understanding.

Joint exercises are also conducted with local WA Police, who made a site visit to West Kimberley in March 2024 to gain a better understanding of the layout of the prison, and to discuss further joint exercises and emergency response plans. Planning has commenced for an additional joint exercise in November 2024 during the prison's non-training period, which coincides with a planned site visit from the Special Operations Group, allowing for joint live activity and emergency management training to be conducted.

In addition, identified fire risks are in the process of being addressed, including contractors being sourced to install additional doors to houses containing a single point of entry/exit, focused maintenance of the fire truck and equipment, and the development of a local training package surrounding the operation of the fire truck and basic fire operations.

12 Increase resources to support the self-care model.

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

Response:

A review of West Kimberley's self-care model and incentive-based regimes was conducted in August 2023. It examined the original intent of these policies and how they could be adapted to meet the needs of the current prisoner cohorts at the facility, while retaining the essence of the self-care philosophy surrounding self-sufficiency of working, cooking, cleaning, education, family and culture.

The review resulted in Unit 2 being redesignated as an earned supervision unit, increasing the number of earned supervision prisoners from 10 to 35 in September 2023.

Replacement of kitchen equipment and the installation of washing machines in the unit this year will continue to encourage prisoners to gain earned supervision status and promote self-sufficiency.

13 Increase prisoner employment by minimising Vocational Support Officer redeployment.

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

Response:

The Department supports the principle of this recommendation whereby all custodial facilities strive to minimise the redeployment of Vocational Support Officers (VSOs) where possible to avoid disrupting services and constructive activities for prisoners.

West Kimberley has several recruitment processes in train to fill vacant VSO positions, which will assist in bolstering employment opportunities for prisoners.

14 Provide an appropriate intensive addictions Individual Management Plan program for delivery in regional prisons.

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

Response:

The Department is progressing the redesign of adult rehabilitation and reintegration services across the custodial estate, including adopting best-practice approaches for program delivery that can be adapted to increase engagement and participation, and ensure programs are culturally appropriate and responsive to Aboriginal prisoners.

As part of this process, the Department will seek to partner with a non-government organisation for the delivery of a community-based alcohol and other drugs program.