

## 2024 INSPECTION OF HAKEA PRISON

### UNACCEPTABLE CONDITIONS IN HAKEA PRISON CONTINUE

This report documents several very concerning findings about the conditions in Hakea Prison at the time of our inspection in May 2024.

The conditions we observed during the inspection were of such concern that on 27 May 2024 I took the unusual step of issuing the Director General of the Department of Justice with a Show Cause Notice under section 33A of the *Inspector of Custodial Services Act 2003*. This Notice set out the grounds upon which I formed a view that at that time prisoners in Hakea were being treated in a manner that was cruel, inhuman, or degrading. We observed increasing levels of anger and frustration in prisoners, which was leading to challenging or dangerous behaviour, including suicides, suicide attempts, serious self-harm, and assaults.

The Department's response to the Notice acknowledged our concerns and set out the plans and initiatives being put in place to address the issues raised. Following consideration of the Department's response, I referred the Notice to the Minister for Corrective Services advising that most prisoners at Hakea were regularly being denied their basic entitlements and that, despite the initiatives outlined by the Department, the situation was unlikely to improve in the immediate short-term.

In their responses, both the Department and Minister reiterated a commitment to addressing the issues identified in the Notice. Chapter seven of this report provides more detail about the Notice and the Department and Minister's response. I do not doubt the sincerity of these commitments and acknowledge that plans and initiatives are progressing, including the Department being allocated additional resources for Hakea.

Although all this work is progressing, prisoners at Hakea continue to experience sub-standard conditions that are not meeting all of the basic entitlements and standards outlined in the *Universal Declaration of Human Rights*, the *Nelson Mandela Rules* (UNODC, 2015), the *Standard Guidelines for Corrections in Australia* (Corrective Services Victoria, 1990), and the Office of the Inspector of Custodial Services' *Revised Code of Inspection Standards* (OICS, 2020).

Since the inspection in May 2024, we have continued to monitor conditions in Hakea, including an increased number of liaison visits and contact with prison leadership, targeted data analysis and reporting, and regular updates on response initiatives. I have also had regular discussions about Hakea with the Minister, Director General and Commissioner.

Our ongoing monitoring suggests that, with a few exceptions, conditions have not improved significantly. Over the past eight months the reported average time out of cell for prisoners has fluctuated between 5.5 and 6 hours per day, which is only a marginal improvement since our inspection. Instances of threatened or attempted suicide or self-harm continue at high levels. There have also been two recorded deaths in custody in Hakea over the past eight months.

There has been limited, if any, access to programs, education, or outdoor recreation. Meaningful employment opportunities are limited to essential services, such as kitchen and laundry, with other employment options regularly reduced or cancelled. Approximately 50% of scheduled visit sessions are cancelled or reduced.

Although custodial staffing levels may not be as critical as they were at the time of our inspection, daily shortages on the roster continue to have a significant impact on the prison regime. And there appears to be little, if any, improvement in the fractured local industrial relationship at the prison. The latter point is surprising, and frankly disappointing, as it would be reasonable to expect both sides have a shared interest in finding common ground to progress improvements in conditions for staff and prisoners.

All this shows that the situation at Hakea remains critical. Continued and renewed efforts towards improvement are essential to ensure meaningful and sustained progress. To date, the pace of improvement has been too slow and the conditions for the prisoners held in Hakea remain unsatisfactory. It is also worth bearing in mind that approximately 80% of the population in Hakea are unsentenced, which means they have not been convicted of the alleged offences for which they are held.

## ACKNOWLEDGMENTS

We had two Independent Prison Visitors for Hakea at the time of our inspection. They are community volunteers appointed by the Minister for Corrective Services, who attended Hakea on a regular basis observing the operations of the prison and providing an opportunity for the men placed there to raise issues and complaints that informs the work of our office. Throughout the year they have advocated strongly for improvements in conditions for the men held there. I acknowledge the importance of the work undertaken and thank them for their contribution to our ongoing monitoring of Hakea.

I also acknowledge the support and cooperation we received throughout the inspection from the Superintendent and staff at Hakea and from key personnel in the Department.

The men living in Hakea who took the time to speak with us and share their perspectives also deserve our acknowledgement and thanks. They also deserve community understanding and support, given the conditions they have to endure as set out in this report.

Finally, I would like to thank the members of the inspection team for their expertise and hard work throughout the inspection. I would also particularly acknowledge and thank Ben Shaw, for his work in planning this inspection and as principal drafter of this report, and Jim Bryden for his ongoing monitoring of conditions within the prison.

Eamon Ryan  
Inspector of Custodial Services

14 February 2025