



All enquiries:  
Phone:  
Our Ref: AD2019/098169  
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Mr PA Katsambanis MLA  
Chairman  
Community Development and justice Standing Committee  
Parliament House  
4 Harvest Tce  
WEST PERTH WA 6005

Dear Mr Katsambanis

**Questions on Notice from public hearing**

I refer to your letter dated 3 July 2019, regarding questions on notice arising from the hearing of the Community Development and justice Standing Committee, held on Wednesday 26 June 2019.

Please find attached the response to the questions on notice.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adam Tomison'.

Dr Adam Tomison  
**DIRECTOR GENERAL**

July 2019

Enc. Answers to Questions on Notice



# Questions on Notice

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## **Question 1. What changes in procedures have resulted from the internal review conducted following Mr Eades' death (see transcript p3)?**

Following the death of Mr Eades on 11 March 2019, a number of strategies and actions were undertaken as below.

A Hakea Risk Group was immediately established with the purpose of developing and implementing various management strategies to:

- support the Superintendent at Hakea Prison and reduce reported tensions and incidents at Hakea Prison; and
- manage those prisoners who present a high risk to the safety and security of the prison estate.

A Disruptive Prisoner Protocol (DPP) was developed and implemented to ensure that prisoners who are identified as a serious threat to the security and good order of the prison are managed to the level of risk they pose. Prisoners placed on the DPP may be subject to a schedule of dispersal across the state.

A daily review of prison population at Hakea is maintained within the agreed Staffing Level Agreement (SLA). Appropriate actions are taken across the network when required to maintain agreed staffing levels.

The Prisoner Assessments process was reviewed to ensure suitable prisoner placement at minimum security work camps to free up maximum security beds.

A new SLA has been established between the Department and the Western Australian Prison Officers Union (WAPOU) to ensure prisoners at Hakea have access to daily recreation and a constructive day.

The Section 83 Absence Permit process has been reviewed and amended. These applications authorise the removal of prisoners to assist in furthering the interests of justice and are used by police and law enforcement agencies to conduct interviews with prisoners in locations other than prisons.

The reviewed process ensures an appropriate handover of information from Western Australian Police to the respective prison pertaining to the prisoners welfare and any security risks.

All Hakea staff in addition to the pastoral care workers and Aboriginal Visitors Scheme workers focus on mitigating the risk for prisoners at risk of suicide and self-harm. Any prisoners identified at risk have been placed on the appropriate protocol. Staff support services are promoted to all Corrective Services staff.

**Question 2. What percentage of prisoners with mental health issues will come back to prison, as opposed to those who do not have mental health issues (see transcript p4)?**

The Department of Justice Health Services is unable to measure the number of patients with a mental illness who return to prison.

**Question 3. For the past three financial years, how many prisoners have been released under supervision (grouped by type of supervision)? How many prisoners have been released without supervision (see transcript p5)?**

**Table 1. Number of Prisoner Releases and Type of Supervision Post Release**

	2016-2017		2017-2018		2018-2019	
Supervision Type	Prison Releases	% of Total	Prison Releases	% of Total	Prison Releases	% of Total
<b>Supervised</b>	<b>2860</b>	<b>28.0%</b>	<b>2880</b>	<b>29.2%</b>	<b>3391</b>	<b>35.0%</b>
Community Based Order	428	4.2%	371	3.8%	328	3.4%
Conditional Suspended Imprisonment	66	0.6%	172	1.7%	340	3.5%
Conditional/Monitored Bail Order	551	5.4%	433	4.4%	509	5.3%
Dangerous Sexual Offender Order	3	0.0%	5	0.1%	7	0.1%
Intensive Supervision Order	371	3.6%	291	3.0%	164	1.7%
Parole	1377	13.5%	1501	15.2%	1936	20.0%
Post Sentence Supervision Order		0.0%	63	0.6%	74	0.8%
Pre-Sentence Order	57	0.6%	38	0.4%	30	0.3%
Work and Development Order	7	0.1%	6	0.1%	3	0.0%
<b>Unsupervised</b>	<b>7354</b>	<b>72.0%</b>	<b>6980</b>	<b>70.8%</b>	<b>6298</b>	<b>65.0%</b>
Released To Freedom	7354	72.0%	6980	70.8%	6298	65.0%
<b>Total</b>	<b>10214</b>	<b>100.0%</b>	<b>9860</b>	<b>100.0%</b>	<b>9689</b>	<b>100.0%</b>

**Question 4. How many gang-affiliated prisoners are at each prison and which gangs are they affiliated with (see transcript p10)?**

At present there are members, nominees and associates from a number of Outlaw Motor Cycle Gangs (OMCG's) accommodated across the custodial estate. There are currently nine recognised OMCG's in the Department of Justice custody, namely Comanchero, Rebels, Lone Wolf, Club Deros, Bandidos, Coffin Cheaters, Gypsy Jokers, Hells Angels and Mongols. In addition, Satan's Soldiers and Raiders are newly emerged OMCG feeder gangs and assessment is currently underway to determine members and validity of these groups.

Separate to OMCG's, there are a number of other gangs present in the custodial estate including Naala Moort, The Mongrel Mob, Brothers 4 life, One Tribe, Our Brothers Keeper and Mixed Blood Gangsters.

Identifying membership and association of an OMCG is a complex process with a number of prisoners forming alliances with OMCG's in the prison environment that often do not extend into the community. The below table identifies the known current members/nominees and prospects for each OMCG currently in the custodial estate, noting in terms of associates, the Rebels have been identified as having five with the numbers for the remaining OMCG still to be determined.

In accordance with the Australian Gangs Intelligence Collection Centre, the following are the official definitions of the OMCG structure:

Member – full patch wearing member of the nominated club.

Nominee – probationary member could also be called a Prospect, depending on the gang.

Associate – a person who has been identified associating with members of an OMCG but is not a member or nominee.

OMCG	Total
Bandidos	2
Club Deroes	1
Coffin Cheaters	2
Comanchero	14
Gypsy Jokers	1
Hells Angels	1
Lone Wolf	12
Mongols	2
Rebels	35



There are several other gangs identified in the custodial environment as listed below:

Gang Name	Total
Brothers 4 Life	5
Naala Moort	16
The Mongrel Mob	3
Mixed Blood Gangsters	9
Our Brothers Keeper	9
One Tribe	36

It should be noted, review and recording of gang affiliation both in the community and custodial environment is a complex task with membership being fluid and changeable. As such, the above figures provided may not be a true reflection with the potential that other unidentified/unconfirmed members or associates exist, or the situation of some members has changed.

**Question 5. What changes occurred as part of the review of employee drug testing processes in 2017? Was there an instruction to cease testing while that review was undertaken (see transcript p10)?**

During the first seven months of the Staff Drug and Alcohol Testing Program from May to December 2016, all prisons, detention centres and work camps were subject to random testing events and most sites were tested twice. In 2017, the number of random testing events was scaled back in order to focus on the conduct of intelligence-led, targeted testing and ongoing mandatory testing. Regardless, nine random testing events were conducted at selected locations in 2017.

Other changes that occurred following the review included the consolidation of testing mediums and collection models, the operational oversight of the program being assigned to the new Assistant Director Drug Mitigation position and the increase of the number of Approved Sample Collectors.

**Question 6. For the last three financial years, how many employees have resigned after returning a positive drug test but before disciplinary action was taken? Is there a system in place so that, in these circumstances, a positive drug test is noted on an employee's file so that he or she cannot just resign and then be re-employed by corrective services at a later date? (see transcript pp10-11)**

A breakdown of employees who returned a positive drug test that have resigned during the disciplinary process:

1. 2018/2019 – three officers
2. 2017/2018 – five officers
3. 2016/2017 – four officers

Employees who return a positive drug test for an illicit drug are referred to the Professional Standards Division's (PSD) Integrity and Accountability Directorate (formerly Corrective Services, Investigation Services). The matter is recorded on the case management system and assessed and investigated. The PSD's newly formed Corruption Prevention and Education Directorate (CPE) is the area responsible for Employment Screening. CPE reviews the case management system as part of their screening process to ascertain if former employees have been a subject of any disciplinary matters assessed or investigated by PSD.

**Question 7. In relation to community-based support services in regional locations, what is the capacity of those services in relation to the prison populations and discharge rates at regional prisons (see transcript p11)?**

The Corrective Services Commissioner provided the Community Development and Justice Standing Committee with a spreadsheet (attached) detailing the community based Drug and Alcohol support services in the regional locations.

These services are provided by a range of organisations who provide support and counselling to the general community and offenders referred to their services.

Corrective Services, Adult Community Corrections (ACC) refer offenders subject to community supervision to these services if drug and alcohol counselling is a condition of their supervision order or if support of such a service becomes evident during their supervision.

Some ACC regional locations may experience from time to time some delay in the provision of a drug and alcohol service, however there is no evidence to suggest that a referral from ACC for such services has been rejected on the basis of the services inability to meet demand.

The below Table details the discharge rates and whether released with or without supervision in the community from each prison over past three financial years.

**Table 2: Number of Prisoner Releases by Facility of Release by Type of Supervision Post Release**

Region by Facility by Supervision Type	2016-2017		2017-2018		2018-2019	
	Prison Releases	% of Total	Prison Releases	% of Total	Prison Releases	% of Total
Metropolitan	7,267	71.15%	6,929	70.27%	6,982	72.06%
Regional						
ALBANY REGIONAL PRISON	273	2.67%	229	2.32%	232	2.39%
Supervised	71	0.70%	64	0.65%	66	0.68%

Unsupervised	202	1.98%	165	1.67%	166	1.71%
<b>BROOME REGIONAL PRISON</b>	<b>274</b>	<b>2.68%</b>	<b>384</b>	<b>3.89%</b>	<b>382</b>	<b>3.94%</b>
Supervised	53	0.52%	85	0.86%	80	0.83%
Unsupervised	221	2.16%	299	3.03%	302	3.12%
<b>BUNBURY REGIONAL PRISON</b>	<b>491</b>	<b>4.81%</b>	<b>460</b>	<b>4.67%</b>	<b>491</b>	<b>5.07%</b>
Supervised	143	1.40%	148	1.50%	193	1.99%
Unsupervised	348	3.41%	312	3.16%	298	3.08%
<b>EASTERN GOLDFIELDS REGIONAL PRISON</b>	<b>458</b>	<b>4.48%</b>	<b>486</b>	<b>4.93%</b>	<b>448</b>	<b>4.62%</b>
Supervised	87	0.85%	107	1.09%	136	1.40%
Unsupervised	371	3.63%	379	3.84%	312	3.22%
<b>GREENOUGH REGIONAL PRISON</b>	<b>583</b>	<b>5.71%</b>	<b>623</b>	<b>6.32%</b>	<b>446</b>	<b>4.60%</b>
Supervised	174	1.70%	198	2.01%	160	1.65%
Unsupervised	409	4.00%	425	4.31%	286	2.95%
<b>PARDELUP PRISON FARM</b>	<b>72</b>	<b>0.70%</b>	<b>72</b>	<b>0.73%</b>	<b>78</b>	<b>0.81%</b>
Supervised	31	0.30%	38	0.39%	48	0.50%
Unsupervised	41	0.40%	34	0.34%	30	0.31%
<b>ROEBOURNE REGIONAL PRISON</b>	<b>410</b>	<b>4.01%</b>	<b>375</b>	<b>3.80%</b>	<b>369</b>	<b>3.81%</b>
Supervised	93	0.91%	78	0.79%	95	0.98%
Unsupervised	317	3.10%	297	3.01%	274	2.83%
<b>WEST KIMBERLEY REGIONAL PRISON</b>	<b>386</b>	<b>3.78%</b>	<b>302</b>	<b>3.06%</b>	<b>261</b>	<b>2.69%</b>
Supervised	60	0.59%	65	0.66%	71	0.73%
Unsupervised	326	3.19%	237	2.40%	190	1.96%
<b>Grand Total</b>	<b>10,214</b>	<b>100.00%</b>	<b>9,860</b>	<b>100.00%</b>	<b>9,689</b>	<b>100.00%</b>
*Numbers released to supervision may differ slightly from different data due to changes in source data since the original data was provided.						

**Question 8. What disciplinary powers are afforded by the Prisons Act 1981 and the Public Sector Management Act 1994? Do those powers allow Corrective Services to adequately manage employee discipline? Are there any gaps which could be addressed by legislative reform (see transcript pp11-12)?**



Part X of the Prisons Act 1981 (the PA) provides the legislation to deal with “Discipline of prison officers.” Sections 99, 100 and 101 of Part X relates to ‘removal action’ through the loss of confidence process. Section 98 of Part X legislates that prison officers are prescribed for the purposes of Part 5 of the *Public Sector Management Act 1994* (the PSMA). Part X of the PA was inserted in 2014. Part 5 of the PSMA provides the legislation to deal with matters under a disciplinary process, in particular sections 80A, 80, 81 and 82A of the Act. Disciplinary outcomes range from improvement action, reprimand, reduction in classification, monetary fine, transfer and dismissal. The two acts are sufficient to adequately manage employee discipline. Currently there are no gaps that require legislative reform.

**Question 9. How many infirmary beds, crisis care beds and management unit beds exist across the prison estate (breakdown by prison)? Can you confirm that there are no dedicated secure mental health beds within the prison estate (see transcript p12)?**

There are 20 infirmary beds for the male estate at Casuarina Prison. There are no female infirmary beds.

There are currently no dedicated secure mental health beds within the prison estate. Prisoners waiting for placement or who are returning from treatment at Frankland Centre at Graylands may currently be held in crisis care, observation or management cells.

Corrective Services utilises the Frankland Centre for receiving patients on a Form 1A as the only authorised facility in WA. WA Prisons (including prisons health centres) are not identified as a secure place, a health service nor a mental health service under the *Mental Health Act 2014* (MHA14).

Breakdown of Infirmary, Crisis Care, Management Unit as at 16 July 2019:

Adult Prisons	Special Purpose Capacity	Special Purpose Capacity by Cell Type at July 2019			
		Infirmary	Crisis Care	Management	Other cells for closer observation
Acacia Prison	38	0	8	30	0
Albany Regional Prison	7	0	0	5	2
Bandyup Womens Prison	18	0	8	8	2
Boronia Pre Release Centre	0	0	0	0	0
Broome Regional Prison	3	0	0	0	3
Bunbury Regional Prison	6	0	0	4	2
Casuarina Prison	107	20	14	69	4
Eastern Goldfields Regional Prison	17	0	5	8	4

Greenough Regional Prison	12	0	0	7	5
Hakea Prison	68	0	17	49	2
Karnet Prison Farm	2	0	0	0	2
Melaleuca Remand And Reintegration Facility	4	0	4	0	0
Pardelup Prison Farm	5	0	0	1	4
Roebourne Regional Prison	6	0	0	4	2
Wandoo Rehabilitation Prison	3	0	0	0	3
West Kimberley Regional Prison	8	0	3	5	0
Wooroloo Prison Farm	3	0	0	0	3
	<b>307</b>	20	59	190	38

Regional Prisons (excluding West Kimberley and Eastern Goldfields Regional Prisons) generally have cells designated for observation or management purposes which may be referred to as multi-purpose cells.

Bandyup Women's Prison has two beds within the health centre which can be utilised for pre and post-surgery care.

There is currently a 512 bed expansion at Casuarina. This expansion includes units dedicated to the delivery of alcohol and other drug and sub-acute mental health treatment. There are a 120 beds in the AOD unit and one wing of the adjacent unit to be dedicated to mental health.

Development of a Project Definition Plan (PDP) is currently underway for a further expansion at Casuarina Prison (344 additional beds and support facilities) announced in the 2019-20 budget. The functional brief currently recommends that this expansion includes the following accommodation to manage complex cohort groups (subject to ERC approval):

#### **Casuarina 344 Project - PDP**

<b>Unit Type</b>	<b>Comment</b>	<b>Capacity Suggested</b>
Assisted Care - High Care and Hostel	To better care for ageing, infirm and terminally ill prisoners, combination of high care and hostel accommodation which will free-up infirmary beds for prisoners short stay pre and post hospital.	70
Mental Health Unit	Purpose designed mental health unit which will provide step up/down for prisoners requiring mental health treatment at Frankland Centre	34

High Security Unit	For management of disruptive and prisoners who pose a danger to others and require separation from the mainstream prisoners.	40
Unit 1 - Additional Wing for Management	Additional cells upgraded to be suitable for management and close supervision of prisoners.	26
<b>Total Proposed New Capacity for Special Cohort</b>		<b>170</b>

Units currently under construction at Casuarina as part of the 512 project include a brief for provision of Alcohol and other Drug treatment (Unit 15) as well as a mental health treatment (Unit 16). The operational model for this is currently being developed by the Department. In light of the proposal to provide a purpose designed mental health unit as part of the Casuarina 344 project, it is likely that the mental health treatment in Unit 16 will be for those prisoners who have a mental health condition that is more stable, while the more acutely unwell would be accommodated in the new purpose designed unit.

**Question 10. For the past three financial years, how many prisoners have been referred, and how many have actually been moved:**

**a. to hospitals for primary care?**

WA hospitals provide tertiary health care and acute ED (Emergency department) care, not primary health care. The Department of Justice health services role is to provide primary health care and mental health care to prisoners within each prison across the estate. Prisoners are referred to hospitals for tertiary health care and specialised health services when required.

The only exception to this process would be where a hospital transfer is initiated after hours by custodial staff.

**b. to the Frankland Centre for mental health treatment (see transcript p12)?**

There were 346 referrals made to the Frankland Centre for mental health treatment between 1 July 2018 to 30 June 2019 comprised of 129 individuals. Further, 65 of the 129 individuals had one or more admissions. Data for the previous two financial years is not available.

**Question 11. How many prison officers are on the transfer list at:**

**a. Hakea Prison**

**b. Casuarina Prison, and**

**c. Eastern Goldfields Regional Prison (see transcript pp13-14)?**

**Please also provide total prison officer numbers at each prison.**

The following table identifies both Custodial Prison Officers and Vocational and Support Officers (VSOs) registered for transfer into and out of the requested prisons. (This is a head count rather than FTE as part-time Officers can also request transfers).

	Head Count @ 27 June 2019 (total POA)	Custodial Officers (PO, SO, PrO)		Vocational and Support Officers (VSO)	
		Transfer list in	Transfer list out	Transfer list in	Transfer list out
Prison					
Hakea	416	6	133	0	9
Casuarina	424	136	92	9	6
EGRP	159	2	83	0	2

**Question 12. Across the staffing profile of Corrective Services, what is the breakdown of Indigenous staff? Have numbers increased over the last couple of years (see transcript p14)?**

Corrective Services Division	Aboriginal Origin	Torres Strait Islander Origin	Grand total
Adult Justice Services	146	2	148
Youth Justice Services	1		1
Office of the Commissioner	7		7
Operational Services	49	4	53
Grand total	203	6	209

**Prison breakdown of indigenous staff:**

	June 2019	June 2017
Albany	6	7
Bandyup	0	3
Broome	7	2
Bunbury	2	3
Hakea	5	5
Casuarina	7	6
WKRP	9	10
Greenough	8	5
EGRP	5	3
Pardelup	1	1
Roebourne	3	4
Karnet	2	2
Wooroloo	2	2
TOTAL	57	53

It needs to be noted that these figures are only available via voluntary notification from the officer and refer to Aboriginal and Torres Strait Islander.

**Question 13. Is there a model elsewhere in Australia that has part-time corrections officers (see transcript p14)?**

Please see below which jurisdictions have part time employment for corrections officers:

- Victoria has a small number of part time staff across their public prisons. Additionally, each prison has a casual pool (sometimes shared amongst prisons) who are available on an as needs basis.
- Queensland has small numbers of part time and casual prison officers but no longer actively recruits for these arrangements.
- Northern Territory does not employ casual or part time correctional officers.
- New South Wales has both part-time and casual prison officers in publically run prisons. New South Wales also employs a significant casual pool who are allocated out to centres as required.
- Tasmania does not recruit part time or casual correctional staff but does have a small number of staff are on flexible work arrangements by agreement with management.
- Australian Capital Territory employs both part-time and casual prison officers.
- South Australia does not engage casual Correctional Officers. South Australia does have a small number of part time officers with the majority job sharing a line on the roster. This jurisdiction do not recruit part time officers. Following announcements as part of the 2018-19 budget process, South Australia has announced to consider introducing some workforce flexibility initiatives which include the recruitment of part time and casual officers.

**Question 14. On average, are there more probationary officers at Hakea and Casuarina prisons than at other metropolitan prisons (see transcript p15)?**

Below is a table of the prison officer who have commenced at prison since January 2019. Prior school commenced in prisons 20/12/18 and therefore had completed probation by 20 June 2019 (8 at each Casuarina and Hakea)

Focus for most recent recruitment for this year has been regional. However, on average, recruits for metropolitan placement would generally be placed at Hakea or Casuarina and occasionally at Bandyup. Extremely rarely at any other metropolitan prison. Noting that we have just committed to two new Entry Level Training Programs (ELTP), a total of 48 recruits, for metro, the majority of these will likely be placed at Hakea.

Below is a table of the prison officer who have commenced at prison since January 2019.

Prison	Total Uniform FTE (Custodial Officers not	Probationary Prison Officers (less than 6
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	<b>including VSOs) @ 27 June 2019</b>	<b>months service in the prison)</b>
Albany	192	24
Bandyup	127	
Boronia	26	
Broome	43	
Bunbury	124	2
Casuarina	375	
EGRP	143	39
Greenough	123	24
Hakea	368	
Karnet	94	
Pardelup	22	
Roebourne	66	
Wandoo	48	
WKRP	83	
Wooroloo	105	