



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

2017 INSPECTION OF
BROOME REGIONAL PRISON

112

AUGUST 2017

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2017 Inspection of Broome Regional Prison

Office of the Inspector of Custodial Services
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Inspector's Overview

BROOME REGIONAL PRISON: UNFIT FOR PURPOSE AND IN URGENT NEED OF INVESTMENT AND A PLAN

Broome Regional Prison (Broome) is old, decrepit and crowded. It is not fit for purpose as a modern prison. Broome is by far the largest town in the Kimberley, and the hub for regional courts, hospitals and other services. It needs a custodial facility but the existing prison is all it will have for the foreseeable future.

This report of an inspection in March 2017 shows that four things are needed:

- significant capital investment to bring the physical infrastructure up to a humane standard
- significant investment in human resources
- improved regimes for prisoners
- a plan and timelines for custodial facilities in the Kimberley.

In response to our inspection, the Department of Justice (as it now is) has taken steps to improve the situation, but it is important to maintain the focus. Too often, Broome has experienced bouts of enthusiasm that have not been sustained.

THE PRICE OF POOR PLANNING

The poor state of Broome prison reflects a decade of uncertainty and poor planning.

In 2007, after an extended consultation period, the government announced that the new West Kimberley Regional Prison (WGRP) would be in Derby, not Broome. Given feedback from Aboriginal communities, that was a reasonable decision, and WGRP is a well-designed, well-performing facility.

But the courts are in Broome, 220 kilometres from Derby, and Broome has always received large numbers of local men and women. It was obvious that an appropriate custodial facility was still required there to service the courts, and to house prisoners in transit or using medical services in the town.

Unfortunately, the Department of Corrective Services (as it then was) left Broome to drift. Its 'plans' were sketchy, poorly documented, and inconsistent. They included simply closing Broome when WGRP opened; managing it to closure over a longer period while new arrangements were put in place; and, most recently, keeping it open indefinitely.

Although it is clear that a custodial facility is needed in Broome, the government has made it clear that there is no money for a new facility. And even if funding for a new facility was approved today, it would be 3-5 years before a new facility could open. This means that the existing prison will have to remain open for the foreseeable future. However, this will require significant capital upgrades, and a commitment to ongoing maintenance.

RESPONSE TO OUR INSPECTION

At the end of an inspection, we brief local and head office staff on our initial findings. A copy of the debrief is then provided to the Minister and the Department.

I am pleased to report that, after hearing our concerns, the Department moved quickly to

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address many of the more significant matters. Their actions have included:

- seeking urgent capital infrastructure funding from government
- maintaining Broome's numbers below its design capacity through an increase in beds at WKRP
- undertaking a number of infrastructure upgrades to improve the maximum-security building, women's building, administration building, and kitchen facilities
- progressing a new staffing agreement which is now going through the final approval process and will include a Business Manager, Security Manager, Cashier, and Assessment Writer.

Further information on these changes can be found in Appendix 4.

UNACCEPTABLE CONDITIONS IN THE MAXIMUM-SECURITY UNIT

The male maximum-security unit of the prison was the area most in need. When we inspected the prison in March 2017, conditions in the unit were the worst in the state.

The unit housed both medium and maximum-security prisoners. The majority were on remand. Others were returning to Broome for release or in transit to other prisons.

The unit was overcrowded and degrading. Numbers regularly exceeded 35, even though there were only seven cells and 28 beds. The extra people had to be squeezed into the already-crowded cells on mattresses on the floor. There was also little communal space in the unit.

Conditions as a whole were degrading: no personal space, minimal physical activity, potential contact with vermin, poor quality mattresses, grimy surfaces, minimal mental stimulation, and no visual stimulation. Prisoners were confined to the unit for 24 hours a day.

We were told that prisoners were only supposed to be held there for very short periods of time. This was not the case. At the time of the inspection, five men had been there for over 90 days, and another three for over 60 days. It was hardly surprising that staff and prisoners both felt that prisoners' physical and mental condition was suffering.

The only alleviating factor was that almost all of the prisoners were Kimberley men, 'in-country' with fellow countrymen. They showed remarkable grace and tolerance of conditions that would not be accepted in Perth. But even their goodwill was wearing thin.

MINIMUM-SECURITY MEN NEED MORE OPPORTUNITIES

Ten years ago, Broome provided a constructive regime for its minimum-security men, with opportunities for education, employment, and work for approved prisoners in the community. We found that had fallen away and needed to be reinvigorated.

The facilities in the minimum-security section of Broome were much better than the maximum-security unit, and prisoners were unlocked for at least 15 hours each day.

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However, there were few work opportunities and no education, programs, or skills development opportunities. The daily routine for most prisoners was one of boredom. This needs to be improved.

It is disappointing that in its formal responses, the Department has said that it will not provide structured education programs and has offered only lukewarm support to providing better work opportunities (see Recommendation 11). Their argument is that Broome is ‘predominantly a short-term remand facility’.

The prison does have a high rate of remand prisoner receptions and ‘turnover’, and this drives many of its daily operational challenges. However, we do not agree with characterising Broome as a predominately short-term remand facility. On any given day, over half the male prisoners held inside the prison are in fact minimum-security sentenced men. Broome is also responsible for around 17 minimum-security men at Wyndham Work Camp.

On a positive note, the Department has started to improve the flow of prisoners to the Wyndham Work Camp and has streamlined approval processes for prisoners seeking a work camp placement. The camp cost almost \$8 million to build and has a capacity of 40, but has been severely under-used. I am pleased to report that the number of prisoners at Wyndham has increased since March. It currently holds around 17 men. This is still well-below capacity but this is a promising start.

POOR REGIMES FOR WOMEN

While not as bad as the facilities in the men’s maximum-security unit, facilities for women at Broome were poor. The women had no access to active recreation, despite a recreation yard adjoining the unit and there were the limited work opportunities within the unit.

The women had to have visits in their unit courtyard. The courtyard is unsuitable for visits as it has no visitor amenities, no play equipment, and no activities for children.

Although women are generally held in Broome only for short periods, we have recommended the Department “improve services and conditions for female prisoners at Broome” (Recommendation 13). The Department has accepted this ‘in principle’ but has not committed to any action.

THE KIMBERLEY STILL NEEDS A PLAN

Despite these improvements, I am still concerned at the lack of long-term planning for the Kimberley’s custodial needs. These include the East Kimberley. Our concerns date back many years. In a 2015 report on Broome and WKRP (OICS, 2015b), I wrote that:

... Some of Broome’s problems reflect its physical infrastructure and history, but most come back to the failure to properly plan five years ago for how it would deliver some essential custodial services (including to the Broome courts) ...

Recommendation 19 of that report was that:

The Department must finalise its planning for the closure of Broome Regional Prison and for the future of custodial corrections in the Kimberley, including genuine consultation with stakeholders and communication with its staff.

The Department supported the recommendation and claimed it was already addressing the matter. But three years on, there is still no plan. As a result, people are still housed in inhumane conditions in Broome, and large amounts of money are spent flying prisoners from the East Kimberley to Broome, often for short stays. We have therefore recommended that the Department:

Develop and implement a sustainable and cost-effective solution for managing East Kimberley prisoners (Recommendation 2).

It has again supported the recommendation. I hope this leads to outcomes this time.

FUNERAL ATTENDANCE IS A SOURCE OF FRUSTRATION AND DISTRESS

Aboriginal prisoners do not believe the Department has sufficient understanding of the relevance of Aboriginal law, cultural obligations, and extended family groups to funeral attendance. This report includes the example of a prisoner who submitted an application to attend the funeral of his great-grandfather.

Local staff and management reviewed his situation and produced a strong argument recommending he attend the funeral. The prison demonstrated that he had a strong kinship and cultural relationship with the deceased. He was a well-behaved minimum-security prisoner, cleared to work in the community, and due for release two days after the funeral. There was minimal risk, and the prison offered to undertake the funeral escort.

Head Office refused the application because the relationship did not meet its definition of 'immediate family' in Policy Directive 9 (PD9). The prisoner's cultural and kinship ties to the deceased were not considered. In response to our draft report, the Department said that 'the prisoner was advised of his rights to appeal however chose not to. In accordance with PD9, his cultural and kinship ties are only able to be considered at this point.'

This case reflects the findings of our recent review of 'Access to funerals and other compassionate leave for people in custody in Western Australia' (OICS, 2017). In our view:

- the PD9 definition of immediate family is too restrictive, and does not reflect Aboriginal cultural reality
- consideration of culture and kinship should form part of the initial assessment. In cases such as this, the Department has all the information it needs at the time of initial assessment. Adding another layer of bureaucracy by way of appeal is not necessary nor useful
- as in this case, prisoners may well give up on receiving a rejection, and not appeal

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- in many cases, by the time an appeal is decided, it may be too late to facilitate attendance.

Obviously, it is not possible for everyone who wishes to do so to attend a funeral. Prisoners are fully aware of that. But the PD 9 criteria and processes impact disproportionately on Aboriginal people. The Department is keen to increase its credibility with Aboriginal people. Revising funeral attendance rules and processes would be a good starting point.

Neil Morgan
30 August 2017

SUMMARY OF FINDINGS AND RECOMMENDATIONS

BROOME REGIONAL PRISON

Broome Regional Prison is not fit for purpose and is in a state of disrepair. It is old, crowded, and requires significant investment to bring it up to a humane standard. Part of this neglect was due to 15 years of uncertainty. Over the last 15 years plans were first made to close Broome, then to build a new prison in Broome, before finally deciding to keep the old prison open.

A prison is needed in Broome to service the courts, as well as to house prisoners in transit or using medical services in the town. But the conditions in the current prison are indecent and inhumane. If the current prison remains open it will require a significant amount of capital to upgrade.

Recommendation 1:

Build a new prison in Broome or upgrade the current facility to a humane and decent standard.

Half of the prisoners at Broome were from the Shire of Wyndham and East Kimberley. The process of flying these prisoners over 1,000km to Broome is expensive. It is also difficult for prisoners returning home after their release from Broome. The Department of Corrective Services¹ (the Department) currently has no plans to better manage prisoners from the East Kimberley who are remanded or serving fines.

Recommendation 2:

Develop and implement a sustainable and cost-effective solution for managing East Kimberley prisoners.

INFRASTRUCTURE AND LIVING CONDITIONS

The conditions in the maximum-security unit were inhumane and degrading. Cells were crowded, with some prisoners sleeping on cell floors. There was no space for physical activity or recreation, and most prisoners spent their days lying around watching television or sitting out on the dark, caged-in patio. Maintaining hygiene was particularly challenging. A handful of men had been kept in these conditions for more than three months and as a result their mental and physical health was suffering.

Recommendation 3:

Improve conditions for male prisoners in the maximum-security unit.

The administration team were working from the former education building, which was built in 2009. While the buildings are modern and attractive, condensation and mould had developed in the air-conditioning vents, and on the ceilings and walls. We were

¹ At the time of the inspection, Broome Regional Prison was part of the Department of Corrective Services. On 1 July 2017, as part of the state government's Machinery of Government changes, the Department of Corrective Services amalgamated with the Department of the Attorney General, to form the Department of Justice.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

concerned that staff working in the administration building were being exposed to mould. The infrastructure and equipment in the kitchen had also become a health and safety concern.

Recommendation 4:

Fix the leaks, condensation, and mould in the administration buildings.

STAFFING

Broome's budget was still being managed by West Kimberley Regional Prison (WGRP). Broome was experiencing unnecessarily long delays for approval to purchase small items required to maintain the facility. Two staff at Broome were also supervised by the Business Manager at WGRP, which made providing adequate direction and supervision to these positions a challenge.

Recommendation 5:

Create and fill a Business Manager position at Broome.

The management team was too small to manage all prisoner services. There were only two managers based at Broome, the Superintendent and the Assistant Superintendent Operations. These two positions were expected to manage a fully functioning, and very busy prison. This was unrealistic. As a result, many of the offender services such as programs and employment were not functioning well.

Recommendation 6:

Create and fill the role of Assistant Superintendent Offender Services.

Broome security falls into the portfolio of the WGRP security team, however the WGRP security team were busy managing their own site and had little to do with Broome. As a result, we found significant security deficiencies. While staff were doing their best, the lack of security leadership and guidance meant that the security processes appeared disorganised and presented a risk to the prison.

Recommendation 7:

Create and fill a security position in the management team.

The staffing levels were too low to safely manage the prisoner population. The staffing model was based on an approved operational population of 32 but the prison was actually managing around 60 prisoners per day. The prison was heavily dependent on staff overtime but still could not fill every role every day. While staff were doing their best to make things work, they were tired and no longer willing to do as much overtime.

Recommendation 8:

Implement a new staffing model to ensure the prison is appropriately staffed for its number of prisoners.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

There were very few female officers working at Broome. This meant that there was not always a woman available for female prisoners to speak with. It also meant that there were not many women available to undertake operational duties such as strip searching and urine testing the female prisoners. Unfortunately, we also heard that sexist behaviour and language was occurring among the staffing group.

Recommendation 9:

Introduce a more gender-balanced officer mix, and address any issues of sexism among staff.

The prisoner population at Broome was mostly Aboriginal, yet there were few Aboriginal staff working at the prison. Aboriginal staff can provide support and respond to cultural obligations such as family deaths in an appropriate manner. The presence of Aboriginal staff also encourages Aboriginal prisoners to become more engaged with prison operations and helps to build stronger relationships between prisoners and staff. Despite a recommendation in 2011 to increase Aboriginal staff numbers at Broome, the proportion of Aboriginal staff had actually declined since the last inspection.

Recommendation 10:

Recruit and retain more local Aboriginal staff.

STRUCTURED DAY

The prison regime did not meaningfully engage the majority of prisoners. Instead of providing structure and ensuring prisoners were using their time constructively, prisoners were bored and spent most of their time watching television or playing games with other prisoners. Work, education, programs, and skills development courses were limited or non-existent. Some prisoners, such as those working in the kitchen and laundry, were kept busy with productive work, but there were too many prisoners in work positions with little to do.

The men in the maximum-security unit and women were particularly isolated and deprived of meaningful activity. Regardless of their security classification, these prisoners were locked in to their cells early each evening. The only jobs for these prisoners were in the units, and were mostly menial and tokenistic.

The prison justified the lack of meaningful activity for these prisoners by claiming that both the maximum-security unit and women's unit were transient units. But in reality, some prisoners were spending a long time, sometimes months in these units.

Recommendation 11:

Provide all prisoners with sufficient meaningful constructive activity, including work and skilling opportunities.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The prison used to have an active community work program. The community were appreciative of the work that the prisoners did. But the opportunities to provide external work had declined and only three prisoners were working externally during the inspection. Some who had clearances to work externally at other prisons lost their clearances once transferred to Broome, and they had to wait for 28 days before they could be reinstated. If the Superintendent had the option of risk assessing and reinstating some of these clearances before the 28 day waiting period finished, then more prisoners could be out working in the community.

Recommendation 12:

Increase the number of prisoners working in the community.

Broome was struggling to meet the needs of the remand population. There was no Prison Support Officer (PSO) to help prisoners with welfare and support needs, and no Aboriginal Visitor Scheme (AVS) to assist with similar issues. There was no bail coordinator to help prisoners meet their bail conditions, and to be released. There were no additional uniformed or medical staff to help facilitate the assessment needs of prisoners.

WOMEN

Women were isolated and marginalised as a result of their confinement. During the inspection there were five women in the unit, and some had been there for a long time. Women were confined to their unit, with no access to active recreation. They had limited work opportunities and their visits area was unsuitable. The women could not associate with the male prisoners, unless they booked a visit with them.

Recommendation 13:

Improve services and conditions for female prisoners at Broome.

SERVICES FOR ABORIGINAL PRISONERS

The majority of prisoners at Broome were Aboriginal. Prisoners felt that the staff did not understand their culture. Some of these feelings of disrespect were driven by the inhumane conditions of the maximum-security unit. There was a general feeling among the prisoners that the Department would not treat non-Aboriginal prisoners in the same way. Staff also felt their training was unhelpful in understanding and managing the specific Aboriginal prisoner groups in the Kimberley.

The Department failed to recognise Aboriginal kinship and cultural relationships, particularly when prisoners applied to attend a funeral. While the prison tried hard to demonstrate cultural and kinship ties when completing applications for a prisoner to attend a funeral, these were disregarded when the application reached head office.

Recommendation 14:

The Department should acknowledge kinship and extended family relationships when processing prisoner applications to attend funerals.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Resources towards programs and services that support the needs of Aboriginal prisoners have been reduced or eliminated. The AVS was not functioning at Broome and most prisoners were uncomfortable using the AVS 24 hour hotline, as it is not culturally appropriate. There was no PSO at Broome, so a lot of 'normal' support services were not being provided.

Recommendation 15:

Implement a full support service to meet the needs of Aboriginal prisoners.

SAFETY AND SECURITY

Relationships between prisoners and staff were positive and respectful. Prisoners felt able to approach most staff members if they had a concern, and staff believed they had a pretty good idea of what was happening around the prison. But the conditions in the maximum-security yard were heightening the risk of prisoner unrest. The unit was overcrowded and hot, prisoners were bored, there were constant lockdowns, access to telephones and visits were restricted, contraband was readily available, prisoners were staying for long periods of time, incidents had increased, the shower facilities were unsuitable, and there was no exercise equipment.

Recommendation 16:

Address the identified security risks in the maximum-security unit.

HEALTH AND WELLBEING

The amount of nursing coverage had improved since the last inspection, but this staffing profile was not yet signed off. Health services were reactionary. There was no visiting GP, no health education, no dental service, and no ancillary services in the prison.

The prison received a good service from the Kimberley Mental Health Drug and Alcohol Services. A clinician was accepting referrals and visiting the prison to see patients. Prisoners identified as being at-risk of self-harm were seen by the prison counsellor and, if needed, by the nursing staff. However, the counsellor was very busy and had little capacity to provide preventative counselling for prisoners struggling to cope with grief, trauma, and relationship issues. Custodial staff were concerned that they were not trained or resourced to manage prisoners with significant mental health issues.

REHABILITATION

Assessments for Broome prisoners were still being undertaken by the staff at WKRP. The assessments were regularly delayed due to the heavy workload of those staff.

Recommendation 17:

Provide resources for Broome to undertake their own prisoner assessments.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The case management function at Broome was not working well. Only half of all prisoners had a case manager. Even if the function had worked well there was no private space for prisoners to speak confidentially with staff.

There were no rehabilitation programs running at Broome and no voluntary programs on offer. There was no education on offer and no plans to reinstate education. The average length of stay for remandees was 40 days, so offering short-courses in food hygiene, communication skills, life skills, health, and occupational health and safety should be considered (see Recommendation 11).

There was no Transitional Manager at Broome and very little support was offered to prisoners due for release. Men's Outreach provided some re-entry services to prisoners at Broome, but their resources were incredibly stretched. Men's Outreach arranged transport home for released prisoners, sometimes driving them to remote communities themselves. However, this had proved difficult for prisoners returned to Broome for release from other prisons with only two days' notice.

NAME OF FACILITY

Broome Regional Prison

ROLE OF FACILITY

Broome Regional Prison is made up of mostly Aboriginal remand and sentenced men and women from Kimberley region, across all security levels – minimum, medium, and maximum-security.

LOCATION

Broome Regional Prison (Broome) is in the town centre of Broome, in the Kimberley region in the far north of Western Australia.

BRIEF HISTORY

Broome was built in 1894, but only the original ‘bull pen’, a sheltered, caged-in enclosure, remains standing and is used as a recreation room. The rest of the buildings have been replaced over the years. The accommodation blocks were built in 1945 making it the oldest prison in the state. The prison is in a run-down state and in urgent need of attention. There are 91 beds distributed across 29 cells, making it cramped and crowded. The prison is divided in to three distinct sections. The main area of the prison houses the minimum-security men. The women have their own small unit, and male medium and maximum-security men are confined to the small maximum-security section.

INSPECTION DATES

28 March 2017 – 31 March 2017

CAPACITY

Wing / Yard	Purpose	No of General/ Special Purpose Beds	No of Cells
Maximum-Security	Maximum and Medium Security Males	28	7
Cell Block 1	Minimum Males	16	4
Cell Block 2	Minimum Males	16	4
Cell Block 3	Minimum Males	16	4
EPU	Earned Privilege Unit	8	4
Female	Female	6	3
Female	Mother/Child Cell	1	1
MPC	Multi-Purpose Cell	2 (Special Purpose Beds)	2
TOTAL		93	29

Chapter 1

BROOME REGIONAL PRISON

1.1 BROOME REGIONAL PRISON

Broome Regional Prison (Broome) is in the town centre of Broome, in the Kimberley region in the far north of Western Australia. The prison population is made up of mostly Aboriginal remand and sentenced men and women from Kimberley region, across all security levels – minimum, medium, and maximum-security.

Broome was built in 1894, but only the original ‘bull pen’, a sheltered, caged-in enclosure, remains standing and is used as a recreation room. The rest of the buildings have been replaced over the years. The accommodation blocks were built in 1945 making it the oldest prison in the state. The prison is in a run-down state and in urgent need of attention. There are 91 beds distributed across 29 cells, making it cramped and crowded. The prison is divided into three distinct sections. The main area of the prison houses the minimum-security men. The women have their own small unit, and male medium and maximum-security men are confined to the small maximum-security section.

1.2 2017 INSPECTION AND THEMES

This was the sixth inspection of Broome. The on-site phase of the inspection occurred 28–31 March 2017. Prior to the inspection, we conducted a face-to-face prisoner survey to gain an understanding of what prisoners thought about living conditions, daily activities, outside contact, health services, safety, support services, and relationships with staff. Fifty-six out of the 71 prisoners completed the survey. Similarly, we asked staff to complete an online survey before the inspection. We asked questions about relationships with prisoners, human resource processes, staff behaviour and attitudes, management support and leadership, training, and culture. Thirty-two of the 43 staff completed the survey.

The themes for this inspection were shaped around issues that we had been monitoring since the last inspection. We were particularly interested in:

- the role and future of each facility in the Kimberley including the work camp
- management of prisoners of each security classification, remandees, women prisoners, and special needs prisoners
- population increases and impact on living conditions and services
- cultural respect and maintenance
- prisoner rehabilitation and resettlement
- staff support, management, and training.

1.3 HISTORY OF BROOME REGIONAL PRISON

Broome has experienced 15 years of uncertainty

In 2001 we inspected Broome for the first time. We found that the facility was ageing, was grossly overcrowded, sleeping arrangements were indecent, and women were disadvantaged. Just eight days after the 2001 inspection a newspaper article described Broome prison as ‘WA’s worst jail’ (Burns, 2001). At the same time, the then Justice Minister announced the construction a new \$50 million prison for the Kimberley

claiming that Broome was ‘chronically overcrowded and needed replacing’ and that the women at Broome prison were ‘the worst treated prisoners in WA’ (OICS, 2005b, p. 1). The announcement was good news for the Kimberley region.

In 2004, we inspected Broome for a second time. We found that despite still being overcrowded and having been labelled as ‘WA’s worst jail’, staff were treating the prisoners humanely and self-harm incidents were low. But there was no news about the new Kimberley prison.

By the time we reached our third inspection in 2007, there was still no progress on the announcement about the proposed new Kimberley prison. Instead \$11.2 million had been allocated to refurbish Broome. Shortly after the 2007 inspection, the Minister announced that a new ‘full service’ prison for males and females would be constructed in the Derby area, 222 km north of Broome. Staff at Broome were understandably concerned about their jobs as staff were unsure if Broome would remain open. Despite the uncertainty, the then-Inspector acknowledged the good work that both management and staff had achieved in difficult circumstances (OICS, 2007, p. ii). However, the inspection report was cautiously optimistic and stressed that in order to continue to move forward, the prison required strong guidance, support, and close monitoring.

Quite soon after the inspection it was evident that Broome was struggling to progress and was failing to make real progress on the 2007 report recommendations. So in April 2008, we conducted an unannounced short follow-up inspection of Broome Regional Prison.

The 2008 inspection found that the Department of Corrective Services had appointed an Assistant Superintendent Operations and the number of both custodial and non-custodial positions had increased. The Inspector noted that Broome was the only prison in the state to not improve in the eight years that the office had been operational. The accommodation conditions were still entirely unacceptable and the prison was not affording prisoners basic decency and human rights.

By 2011, the \$11.2 million refurbishments were complete. The facility had a brand-new health and education centre, and air-conditioning was installed in the maximum-security unit and the women’s unit. Yet, conditions for prisoners remain confined and restrictive and the prison was still overcrowded. Six or more men were sharing cells designed for three prisoners, and the women were living in a confined and lethargic environment. By this stage, Broome’s future was uncertain as the new WKRP in Derby was scheduled to open in mid-2012.

In 2012, the then Minister for Corrective Services announced that Broome would remain open for three years before closing in 2015. The Minister’s intention was to ‘give staff and the Department of Corrective Services some lead time to plan for the future’ (Cowper, Broome Prison to Remain Open for Three Years, Media Statement, 2012). During the three year closing down period, the intention was to use the prison as a short-term remand facility to service the courts, to manage transfers, and provide a prison for local offenders. It would also house Indonesian national prisoners sentenced for Federal offences.

When WKRP opened in 2012, Broome was downgraded from an independent facility to an annexe of WKRP. This meant that responsibility and authority for its operations was with the Superintendent of WKRP. The prison capacity at Broome dropped to just 32 prisoners. With the reduction in prisoners came a sharp cut to staffing numbers and the elimination of a number of services provided on-site. Broome operated as a receiving facility for local arrestees, a short-term holding centre for remandees appearing at Broome court, and an overnight transition point for prisoners transferring north and south.

In 2014, as Broome was still officially an annexe of WKRP, we inspected it as part of the WKRP inspection. At that time, Broome was still expected to eventually close and staff were unsure about their future. We identified a number of issues that the Department would need to explore in the lead-up to the closing, including how they would transport prisoners 222km from WKRP to Broome to attend court or medical appointments. We recommended that the Department finalise the plans for Broome's closure, plan for the future of custodial corrections in the Kimberley region, and consult and communicate with staff and stakeholders regarding the developments (OICS, 2015, p. 60).

Broome did not close as originally intended in 2015 and in 2016 became a stand-alone prison once again. In September 2016, a Superintendent was appointed to manage Broome prison independently from WKRP.

1.4 STRATEGIC DIRECTION

Broome needs a prison, but the current facility is unsuitable

Broome courts will always need to be serviced and WKRP, 222km away, is simply not a suitable remand facility. Transporting prisoners for hours each way is expensive, raises issues of duty of care, and may impact negatively on court appearances if prisoners arrive tired and/or late. But while Broome needs a prison, the current prison is old, run-down and no longer fit for purpose.

Both the Department and past Corrective Services Ministers have explored the possibility of replacing the prison. In 2013, the then Minister for Corrective Services acknowledged the inhumane conditions of the prison and explored options for building a new prison in Broome. The idea of building a new remand centre attached to the courthouse, or a new justice facility near the airport was considered, but never actioned (Cowper, 2015). In 2014, the Department reviewed the future of Kimberley custodial corrections, and noted that 'the prison in its current form is not a viable option for managing prisoners long-term' (DCS, 2014, p. 8). The report recommended that a new purpose-built secure facility be built at a new location in Broome.

This, of course, never eventuated. In the Assembly Estimates Committee in June 2015, the then Minister for Corrective Services was once again asked about the future of Broome Regional Prison. The Minister announced that it would remain open as regional hub and a remand and maximum-security facility. The Minister claimed that he would rather the prison stay open than move remandees and maximum-security prisoners to the Perth metropolitan area (Francis, 2015). The option of building a new facility in Broome was not raised.

The following year in the Assembly Estimates Committee in May 2016, the Minister and Commissioner for Corrective Services were asked how the Department felt about keeping prisoners in a facility that this office deemed ‘not fit for keeping people in’ (Cowper, 2016). The Commissioner confirmed that Broome will remain open, stating that ‘if we need to look at alternatives, we will, and if we need to do upgrades, we will’ (McMahon, 2016). However, despite numerous inspection reports condemning the facility, any ideas of building a new Broome prison seemed to have disappeared.

Just after the 2017 inspection, the Acting Commissioner for Corrective Services confirmed that Broome will remain open as it is ‘a critical part of corrections infrastructure in the Kimberley’. However, he did acknowledge that the prison needed significant capital investment, and announced that the Department was preparing a proposal for Department of Treasury for funding.

There is no doubt that the aging infrastructure at Broome will require a significant amount of capital to maintain and upgrade. So too would building a new prison. But one thing for certain is that serious changes need to be made. Whether it be to upgrade and refurbish the current prison or to build a new prison, the Department must address the fact the conditions in the current prison are indecent and inhumane. Prisoners should not be forced to live in such circumstances.

Recommendation 1:

Build a new prison in Broome or upgrade the current facility to a humane and decent standard.

Broome’s future focus as a remand and reintegration facility

By the time of our inspection, the Broome Superintendent had only been there for six months and the prison was only just starting to operate independently again. The prison therefore had yet to develop a management plan to define its general aims, principles, or strategic vision. Discussions with the Superintendent revealed that he had plans to keep Broome as a short-term reintegration and remand prison. The Kimberley needed a facility that was close to the courts in Broome and the local medical services, to prevent the long and expensive commute each day to WKRP. A large proportion of the prisoner population also needed to be minimum-security sentenced prisoners to provide basic services in administration, kitchen, laundry, maintenance, and reception.

As this inspection was conducted so soon after the Superintendent commenced, we were not expecting these plans to be fully operational. But we were pleased to see that the prison was developing at a rapid pace. Shortly after the inspection, the Department advised us of significant developments, most of which aligned to the Superintendent’s vision of turning Broome into a remand and reintegration facility. We requested that the Department, when responding to this report, provide us with a statement detailing these developments. The statement can be found in an appendix to this report.

The Department lacks a long-term plan for corrections in the Kimberley region

For over 12 years, we have been recommending that the Department should produce a custodial plan for the Kimberley region (OICS, 2005a). Both Broome and WKRP are located in the West Kimberley region. There is a minimum-security work camp in the East Kimberley (Wyndham Work Camp), 1,055 kilometres from Broome, but it is under-utilised, and can only be filled with prisoners who have earned the privilege to work unsupervised in the community. At the time of the inspection, only 10 of the 40 beds at Wyndham Work Camp were filled. The Department has announced that it intends to increase numbers but at the time of writing, this had not yet eventuated.

At the time of this inspection, half of the prisoners at Broome (49%) were from East Kimberley towns such as Kununurra, Halls Creek, and Fitzroy Crossing. There were also plenty of prisoners at WKRP from the East Kimberley. Some of them were on remand, or being kept in custody for a few days to serve fines. It is a contractual requirement to remove prisoners from police lock-ups within 24 hours, so prisoners were picked up from the police lock-ups and flown to Broome.

In the last WKRP report, we discussed how expensive and inconvenient this practice is. We identified a case where a prisoner was arrested on a Friday night by Halls Creek police for unpaid fines totalling \$1,600. He could either pay the fines or spend five days in prison. He asked to be held at Halls Creek police station until he could get to the bank on Monday and pay the fines. But, as the police could only hold him for 24 hours, he was flown to Broome to serve his five day sentence in prison. The flight cost well over \$7,000 and after he was released, he was handed a bus ticket for his nine-hour journey home. The situation has not changed since the last inspection.

In 2010, the Department's Director of Strategic Assets Services went on record claiming that an East Kimberley prison was needed as soon as possible to ease pressure on the region but Treasury was unwilling to pay for it (Broome Advertiser, 2010, p. 13).

In the last inspection report for WKRP, we recommended that the Department should:

Develop and action a plan that includes a new prison in the East Kimberley, maximises the use of Wyndham Work Camp and examines the feasibility of a short-term holding and assessment centre in Kununurra (OICS, 2015, p. 71).

The Department supported this recommendation, in part, and acknowledged the need to develop a regional custodial plan for the Kimberley, but stated that they did not believe there was sufficient population demand for a new prison in the East Kimberley. In the lead-up to this inspection, we asked the Department to provide us with an update on the development of a Kimberley custodial plan. The Department responded, claiming:

This recommendation has significant resourcing implications and are influenced by whole-of Government policy positions and legislative settings. Government will continue to ensure that future infrastructure spending ensures a secure, safe, and humane custodial environment, which is cognisant of other Government priorities and value for money.

BROOME REGIONAL PRISON

We are yet to see any evidence that the Department has developed a plan for the future of corrections in the Kimberley area. Until then, it seems that the Department will continue to waste money flying prisoners from the East Kimberley to Broome and to house people in inhumane conditions.

Recommendation 2:

Develop and implement a sustainable and cost-effective solution for managing East Kimberley prisoners.

Chapter 2

INFRASTRUCTURE AND LIVING CONDITIONS

2.1 THE MAXIMUM-SECURITY UNIT

The conditions in the maximum-security unit were cruel, inhumane and degrading

We found the conditions of the crowded male maximum-security section of the prison to be worse than any other prison in Western Australia. The unit houses medium and maximum-security prisoners. The majority are on remand, prisoners returning to Broome for release or in transit to other prisons, and prisoners who have had problems in the minimum-security section of the prison. Prisoners are confined to this unit 24 hours a day.

The prison intended to hold the men in the maximum-security unit for very short periods of time. However, at the time of the inspection there were eight men who had been kept in the unit for more than 60 days and five who had stayed there for more than 90 days. The men told us that they felt depressed, and that their physical and mental health was suffering as a result of the conditions.

Prison officers also felt that the mental and physical fitness of the men was suffering as a result of their confinement. The degrading living conditions, little personal space, close contact, frequent intrusions of newcomers, lack of physical activity, potential contact with vermin, poor quality mattresses, grimy surfaces, lack of visual stimulation, and elevated risk of transmission of infectious disease would negatively impact on anyone's mental health. One prisoner commented in the pre-inspection survey:

Make it bigger, so I don't have to sleep on the floor among other prisoners' rubbish, cigarette butts, body odour etc.

The unit was such an awful place to be housed, that some of the local men expressed a desire to be transferred to another facility, away from their country and away from their family. Being in a prison close to home, where they can maintain contact with friends and families is important for the wellbeing of prisoners and is important for re-entry to the community. We have rarely, if at all, heard Aboriginal men claim that they want to be removed from their home country. It is particularly telling that these prisoners felt that they would be better off at Roebourne Regional Prison, a facility that after our last inspection, we described as being 'awful', 'indecent' and 'overcrowded' (OICS, 2016b).

There were only seven cells in the maximum-security unit with four prisoner beds in each cell, or 28 beds in total. Numbers regularly exceeded 35, with prisoners sleeping on the floor. Each cell opened on to a narrow walkway, enclosed with mesh grill. The walkway was so enmeshed that it effectively closed in the area, making it dark, claustrophobic. There was no airflow, and little natural light. Only a small section of the walkway was shaded using shade-cloth making the area unsuitable when raining or during the hottest parts of the day. The patio was surfaced with artificial turf, with open drains on each end covered only by grills. When it rained heavily the drains flooded, saturating the turf and creating a bad smell. Tea bags and other food waste were caught in the mesh and had collected along the gutters around the patio.

There was a common dining room at the front of the unit, but prisoner access to the



Figure 1: The outdoor patio area of the maximum-security unit

room was restricted. Each afternoon it was used as a visits room and was regularly used for counsellors and other staff to meet privately with prisoners. Most prisoners ate their meals in their cells.

The Department recognised the inadequate state of the infrastructure and the need for redress. In its recent compliance review of the prison the review team reported that ‘[I]n addition, the general environment is in a state of disrepair with major maintenance being required’, and ‘[T]he interior of the majority of cells could only be described as “dark and dingy”’, noting that the cells had minimal natural light (DCS, 2016, p. 6).

There was no space for physical activity or recreation

Prisoners in the maximum-security section had no decent yard to maintain their fitness, whether walking, running, playing basketball, football or any other physical activity. Keeping active provides a positive outlet for energy and frustration and helps prisoners to maintain their mental and physical health. There was a dreary recreation room at the end of the meshed walkway, with a broken rowing machine. The table tennis table was being used to store mattresses on, and the dart board was in the middle of the walkway. Some isometric exercise equipment was constructed for the unit, but the equipment was too large to fit into the unit and was sitting in storage.



Figure 2: The undercover recreation area of the maximum-security unit

There was nowhere for the prisoners to retreat to for quiet or alone time. They were constantly in each other's space and the frustration at times was causing tension in the unit. As there was little to do in the yard, and limited space, prisoners spent most of their time in their cells, lying idly on their beds.

Maintaining hygiene was particularly challenging

The unit contained two communal shower rooms, neither of which were fit for purpose. Due to the age of the bathrooms and the wear and tear, neither could be cleaned to an appropriate standard.

Sadly in 2015, a prisoner took his own life in one of the bathrooms, using the shower partitions as a hanging point. The prison recently removed the partitions with the intention of refurbishing the bathroom in April 2017. In the meantime, prisoners refused to use this shower room without partitions to offer privacy. This left only one respectable shower room with two showers to be shared among the entire unit.

In most cases, the prisoners told us that they are simply not showering. Those who could shower had nowhere to hang their damp towels, so they were hanging them on the mesh around the patio. Given the humidity, the towels rarely dried, further hindering the prisoners from keeping themselves clean and free from disease and infections.

Recommendation 3:

Improve conditions for male prisoners in the maximum-security unit.



Figure 3: The communal showers in the maximum-security unit

The maximum-security unit was extremely overcrowded on Thursday nights

The population in the maximum-security unit reached its peak on Thursday nights and Friday mornings, when in addition to its regular population, it was used as an overnight hub to house prisoners in transit. The prisoner transport plane brought prisoners from Perth, Geraldton, and Roebourne to Broome on Thursday evenings. These prisoners stayed overnight in Broome’s maximum-security unit before either settling in the prison or continuing on to other locations such as WKRP. The transport vehicle also transferred in prisoners from WKRP to Broome on Thursday afternoons. These prisoners also stayed Thursday night in the maximum-security yard before boarding the same prisoner transport plane and heading south on the Friday morning. This placed the Broome maximum-security unit well over capacity almost every Thursday night.

The prison has been recording the population in each unit at 7am each day, before the prisoners departed and moved on elsewhere. The Table 1 shows that the population in the maximum-security section remained constantly over its 28-bed capacity in February and March 2017, and it also shows the peaks in the maximum-security population on Friday mornings. At some stages, on Friday mornings, the population in the maximum-security unit reached over 40. These prisoners had to find a mattress and floor space somewhere in one of the seven cells.

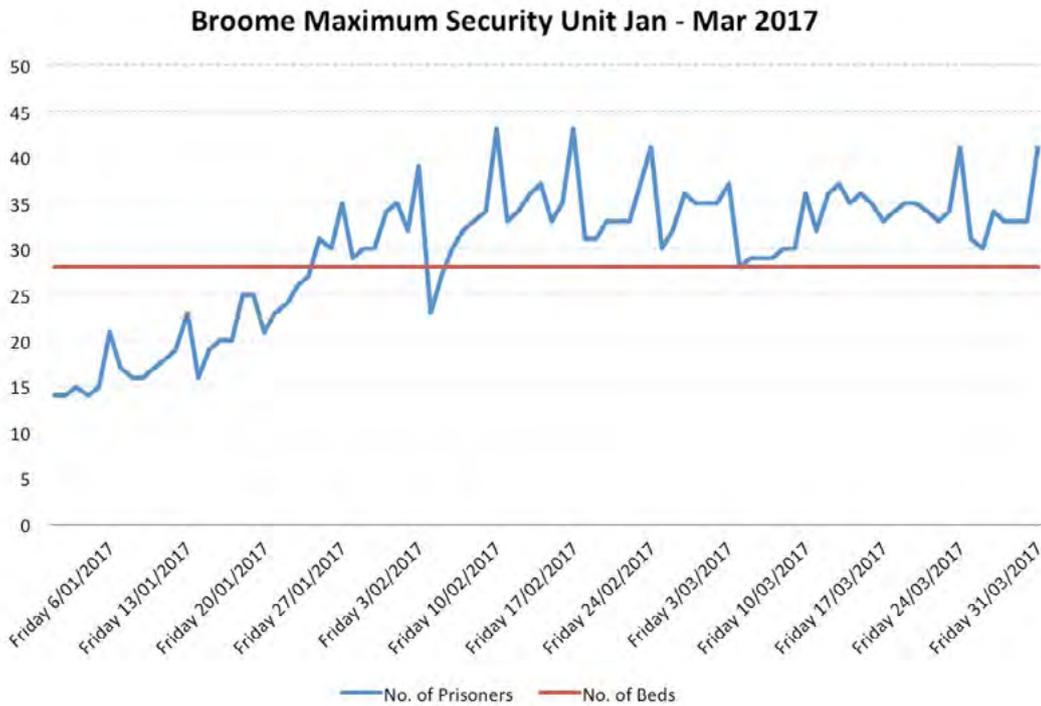


Table 1: The number of prisoners in the maximum-security unit, recorded each day at 7am

We observed the immense pressure that the prison was under to accommodate the additional prisoners scheduled to arrive on the Thursday night of the inspection week. On the Tuesday morning, the prison was scheduled to hold 48 prisoners in the maximum-security yard on the Thursday night. Prison management and staff spent the next two days trying to reduce these numbers and to come up with a solution for housing these prisoners. By Thursday afternoon, one or two prisoners had been released, two were assessed and moved into the minimum-security section and prison management negotiated with the Department’s head office to delay some transfers in. This brought the final Thursday night figure in the maximum-security down slightly to 41, which was still well over capacity.

The prison still had to accommodate the 13 prisoners who did not have a bed. The multipurpose/punishment cells were cleaned out and put on stand-by. Women were also doubled up and a cell in the women’s unit was made available for the men. Three men were placed in the women’s cell, but not long after they were placed in there, they complained that the air-conditioning was not working and that there was no airflow. The prison staff had to scramble to find some fans to try and offer some air flow for these men.

Some prison staff considered locking some of the men in the bull pen overnight, as it is still considered a maximum-security holding cell. The bull pen is the only remaining structure of the original prison and has its roots in a particularly harsh colonial history.



Figure 4: A crowded cell sleeping six prisoners in the maximum-security unit

It was built in 1894 as an open shelter, and in 1907 bars were installed so it could be used as a holding pen for Aboriginal prisoners. In the early 20th century, Kimberley law enforcement protected land owners and their livestock from the Aboriginal people, and Aboriginal people in custody were routinely treated violently by police. The bull pen contains painful memories for Aboriginal men and women, and it would be culturally insensitive and inappropriate to keep people there overnight. We were relieved to see that, on the Thursday night of our inspection, it had proved unnecessary for prisoners to be placed there.

The staff spent the Thursday afternoon and evening moving prisoners around in preparation for the influx. Prisoners who were using some of the spare mattresses on their own beds had to hand them over to be placed on the floor. Old mattresses that were stored on the table tennis table on the outside patio were also placed on cell floors in preparation for the new arrival of prisoners. The day before, it had rained heavily so the mattresses that were stored on the table tennis table were dirty and damp. Not only would this be unpleasant for someone to sleep on, but is a health hazard. The mattresses were not cleaned between uses, and were used by people who had not been medically



Figure 5: The old 'Bull Pen', the only remaining structure from the original prison

assessed for any health conditions. The mattresses would almost certainly contain dust mites, dead skin cells, bed bugs, mould, and other bacteria and fungi that could lead to asthma, skin diseases, allergies, and infections.

By the time the additional prisoners arrived on Thursday night, some cells had up to six prisoners in them, four in bunks, and two on mattresses on the floor. When the cells are this crowded, one prisoner must sleep in front of the toilet door that opens outwards. It means that if a prisoner needs to use the toilet during the evening, they must wake up and move the prisoner sleeping on the floor.

The entire situation is chaotic, inhumane and degrading, and contributes directly to the decline in the mental and physical health of prisoners housed in the unit.

2.2 MINIMUM-SECURITY

The minimum-security conditions were better than the maximum-security unit

The main section of the prison is for male minimum-security prisoners. There were four cell blocks in the minimum-security section, with the capacity to hold 56 prisoners, with a separate ablution block. The cells in the minimum yard had been repainted and rarely accommodated more than four prisoners. However, some of the toilets were in poor condition and some of the bunk beds were missing slats and lacked ladder access to the top bunk. These beds remain both unsafe and uncomfortable and should be fixed.

INFRASTRUCTURE AND LIVING CONDITIONS



Figure 6: Spare mattresses stored on the table tennis table in the maximum-security unit



Figure 7: The main yard of the minimum-security section

2.3 THE ADMINISTRATION BUILDING

Leaks, condensation, and mould posed a significant risk to the health of staff

When Broome became an annexe of WKRP, most of the administrative staff transferred to WKRP, leaving only a small administration team at Broome. The administration team moved into the education buildings, which were built in 2009. The buildings are modern and attractive, however when it rains heavily, water leaks through the light fittings. Condensation and mould had also developed in the air-conditioning vents, and on ceilings, and walls. Professional cleaning removed the visible mould, but the inside of the air-conditioning vents were not cleaned. The mould returned to the surfaces within some weeks. A report from an engineering consultant found that the ducted air-conditioning system in the education building was inappropriate and too powerful, causing the mould. They are not watertight and intrusions through the roof caused the leaks. Both the air-conditioning system and roof need to be replaced.

We were concerned that staff, including pregnant staff, were being exposed daily to mould in their workplace. Mould can have significant health effects such as asthma-like respiratory illness, watery, itchy, red eyes, chronic cough, headaches or migraines, rashes, tiredness, blocked nose and sinus problems, and frequent sneezing. Staff have had to take time off, claiming illness triggered by exposure to the mould.

Worksafe WA requires that when mould presents a hazard in the workplace, the employer has a duty of care under Section 19(1) of the *Occupational Safety and Health Act 1984* to investigate the employee's concerns, identify the hazard, assess the risk of harm to health, and to take practicable measures to ensure people at the workplace are not exposed to hazards (Department of Commerce, 2014).

The prison staff had requested an assessment of their working environment, but were told this was too expensive. The prison staff also requested head office undertake testing to establish a business case to help remedy the situation. Head office refused to undertake the testing citing that they had already tested the medical centre in 2012. However, as the Superintendent pointed out this testing was now out of date, and more importantly was for a different building.

Recommendation 4:

Fix the leaks, condensation, and mould in the administration buildings.

2.4 KITCHEN

The infrastructure in the kitchen has become a health and safety concern

The floors in the kitchen had lost their non-slip coating and were not safe, particularly when they became wet. The exposed brickwork on the floor made it hard to clean and the floor could absorb liquid foods and harbour bacteria. The uneven surfaces were also inappropriate for moving food trolleys and water pooled in places. The kitchen floor must be fixed.

INFRASTRUCTURE AND LIVING CONDITIONS



Figure 8: The damaged and dangerous kitchen floor

Chapter 3

STAFFING

3.1 MANAGEMENT AND ADMINISTRATION

Broome's budget was still managed by WKRP

Despite being a stand-alone facility, the management team at Broome is under-resourced. The Assistant Superintendent Operations (ASO) position remained from when Broome was annexed to WKRP, and the Superintendent commenced six months prior to the inspection. Working alongside the two managers were three administration staff. In 2012, when Broome was a fully functional prison, there had been 29 management and administration positions.

A large amount of work was still expected to be undertaken by the management team at WKRP. One area most impacted by this arrangement was business services. Despite having a finance coordinator based at Broome, the prison's budget was still controlled by WKRP.

All funding requests had to be made through WKRP and approvals to purchase items, even small inexpensive items, were taking a long time. This was demonstrated when Broome's management team requested that a new latch be purchased for the front gate. Instead of being able to drive into town, purchase the latch and attach it to the gate in one day, the prison had to obtain approval from WKRP. The process was drawn out and unnecessarily complicated.

Two administration positions at Broome also reported to the Business Manager at WKRP. This made providing direction and supervision of the two positions particularly challenging. Both administration positions at Broome would benefit from having a local manager on-site.

Recommendation 5:

Create and fill a Business Manager position at Broome.

The management team was too small to manage all prisoner services

The ASO carries a larger workload than at most other prisons. In any other prison, the ASO would be responsible for prison operations including: reception, movements, accommodation, unit management, privileges, violence reduction, discipline, grievances, releases, bail, and transfers. As Broome is one of the busiest prisons in the state for incoming and outgoing movements, the amount of work for the ASO would be enough for a full-time position. However, without a full management team, the ASO was overburdened with other duties that would normally be the responsibility of other managers. Some of these duties included overseeing and developing prisoner regimes, constructive day activities, employment, recreation, chaplaincy, and external stakeholder relationships. These duties would normally fall to the Assistant Superintendent Offender Services (ASOS).

Most of the offender services areas were not functioning well at Broome. There was no formal prisoner orientation process, the constructive day for prisoners was not

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constructive, there was no education or programs running, employment was minimal, and case management was still undertaken from WKRP. As well increasing the pressure on the management team, the absence of an ASOS responsible for offender services impacted heavily on prisoners. Going forward, it is likely that offender services will continue to be neglected unless an ASOS position is introduced.

Recommendation 6:

Create and fill a position of Assistant Superintendent Offender Services.

There was no individual responsible for security matters

Officially, Broome security falls into the portfolio of the WKRP security team, however the WKRP security team were busy managing their own site and had little to do with Broome. The ASO was trying to keep on top of security matters, but as she was already juggling a large portfolio she was unable to dedicate her full attention to the security area. As a result, we noticed significant security deficiencies during the inspection. The Department was already well aware of these issues, as its own 2016 Compliance Review of Broome found that:

...[i]t was apparent that minimal support has been provided by WKRP resulting in general neglect in relation to security, Local Order updates, tool control, key management and emergency management (DCS, 2016, p. 5).

Every other prison in the state has at least one position on-site responsible for the management of security systems and processes. This person or team would be responsible for:

- conducting investigations
- creating and maintaining security instructions
- ensuring compliance to security standards
- coordinating security operations
- managing prisoners who pose a threat to the good order and management of the prison
- managing intelligence systems
- analysing intelligence information
- overseeing prosecutions
- conducting and reviewing emergency management training
- coordinating and responding to emergencies.

The custodial staff at Broome were doing their best to manage security and custody issues without security support. On top of their regular work, officers and senior officers were taking it upon themselves to conduct investigations and manage difficult prisoners. While staff were doing their best, the lack of security leadership and guidance meant that the security processes appeared disorderly and sometimes dangerous. We heard of investigations being mismanaged, which gave prisoners the impression that they could get away with bad behaviour. Staff were trying to manage volatile and often drug-affected

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prisoners with limited training and few tools. Basic security processes such as searching and urine testing were conducted infrequently, if at all.

Without a local security position, the prison could not effectively collect, report, and analyse information and intelligence. Prison staff were listening to prisoner telephone calls and gathering intelligence through conversations with prisoners and families. But staff were either keeping this information to themselves or only sharing it informally with each other, because there was no one on-site to report it to. In other prisons staff would pass this information on to the prison's security team or the Department's intelligence team which would develop a greater understanding of the security risks. The local security manager or security officer could then use this information to undertake a targeted security operation. Staff at Broome were frustrated because they felt that management were making decisions without taking into account security risks, but in reality these risks had not been identified. To really improve the security function at Broome, a new position needs to be created to coordinate and guide all security matters.

Recommendation 7:

Create and fill a security position in the management team.

3.2 STAFFING

The staffing levels were too low to safely manage the prisoner population

Staff at Broome were dedicated to their work, and were doing their best in difficult circumstances. The staffing model in place at the time of the inspection was based on an approved operational population of 32. However, as the prison was expected to deal with an influx of arrestees and remandees at short notice, the staffing model was based on a baseline of 23 male prisoners – eight in the minimum-security section and 15 in the maximum-security unit. In the lead-up to the inspection, the prison averaged around 60 prisoners each day, with the figures peaking at 85 a month before the inspection.

To ensure there were enough officers on duty to manage the higher numbers, the prison relied heavily on staff to work overtime shifts. In addition, the prison added three permanent positions to the daily roster to ensure consistent coverage in the women's unit, coverage in the medical centre, and to make sure an officer was available for escorts. These three positions were also being covered by staff on overtime shifts.

While staff were doing their best to make things work, they were tired and understandably some were no longer prepared to work overtime. This meant that positions would regularly be unfilled. During the inspection, there were days when only 50 per cent of the custodial positions could be filled. Staff expressed concerns for their safety when staffing levels were low. They regularly felt that they did not have enough staff to respond if an incident occurred.

A new draft staffing model, based on a prisoner population of 66, was being prepared during the inspection. The model still needed to be negotiated with the union and required head office approval and funding.

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Recommendation 8:

Implement a new staffing model to ensure the prison is appropriately staffed for its number of prisoners.

3.3 FEMALE STAFF

There were not enough female officers

There were only four female officers working at Broome, and no female senior officers. It is imperative for Broome to appropriately balance its staffing gender mix and important for female officers to be available to support female prisoners. Many of the Aboriginal women from the Kimberley region had experienced domestic abuse and trauma, and may only feel comfortable liaising with female staff. A female officer should be available to be called upon when requested by female prisoners.

From an operational perspective female officers are also needed to search female visitors and prisoners, and to undertake urine testing of females. It is impossible for Broome to complete these duties with so few female staff.

The staff gender balance at Broome, and the lack of female senior officers, was disappointing. Women bring different perspectives and approaches to the job. They make valuable contributions to prisons, and bring with them a multitude of skills. Women can do the job very well and we have seen numerous examples of female staff in prisons defusing volatile situations. Unfortunately, having no women in senior officer roles allowed for the cultivation of a prejudiced culture among some staff at Broome. Disappointingly, we heard of male staff making inappropriate and demeaning comments towards female staff. We also heard of sexist behaviour and language being used in the workplace. This must be addressed and strategies implemented to eradicate this culture.

Recommendation 9:

Introduce a more gender-balanced officer mix, and address any issues of sexism among staff.

3.4 ABORIGINAL STAFF

The proportion of Aboriginal staff working at Broome had fallen

Aboriginal people are overrepresented in the state's prison system. At the time of the inspection, 55 of the 61 prisoners at Broome identified as Aboriginal but there were few Aboriginal staff (the Department provided us with a document stating that there were two Aboriginal staff members at Broome but the Superintendent claimed that the prison employed five). The Department as a whole has a higher representation of Aboriginal employees than other Western Australian public sector agencies, but given its service delivery to Aboriginal people, the number is not enough (OICS, 2016a).

It is imperative for prisons, particularly those with high Aboriginal populations, to recruit and retain local Aboriginal staff. The presence of Aboriginal staff encourages Aboriginal

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prisoners to become more engaged with prison operations and helps to build stronger relationships between prisoners and staff. Aboriginal prisoners are known to seek out Aboriginal staff for assistance and support, particularly if the staff member can communicate with the prisoner in their own language. Aboriginal staff can also support and respond to cultural obligations such as family deaths in an appropriate manner, which is crucial to the wellbeing of the prisoner.

In 2014, we recommended that the Department recruit and train local Aboriginal people to work at both WKRP and Broome (OICS, 2015, p. 24). The Department supported this recommendation, claiming that it was an ‘existing Departmental initiative’ and that ‘the Department recognises the importance of recruiting local people, including Aboriginal people, to corrections, particularly at regional locations’ (OICS, 2015, p. 75). In the lead-up to this inspection, we asked for an update on this recommendation, and the Department advised us that it was a ‘continuous recruitment consideration’. No further information was provided. As our recommendation was supported, and was an ‘existing Departmental initiative’, we would have expected at least some improvement in the proportion of Aboriginal staffing at Broome and evidence of a concrete plan. Instead the proportion of Aboriginal staff working at Broome had fallen and there was no plan.

Recommendation 10:

Recruit and retain more local Aboriginal staff.

3.5 STAFF TRAINING

Staff training was not up-to-date

Broome’s training was undertaken by a satellite trainer based at WKRP. The satellite trainer was providing training at Broome for one day per fortnight, but because of the travel time between the two prisons, it meant that in reality only four hours per fortnight was provided.

Staff were not meeting their basic training requirements, which was putting staff and prisoners at risk. As of 31 January 2017, most staff at Broome needed to undertake use-of-force training.

Use-of-Force Training Statistics – Broome Regional Prison (31 January 2017)		
	Qualified	Per cent qualified
Theory	11	28%
Defence and Control Basics	1	3%
Batons	5	14%
Instruments of Restrain	6	15%
Aerosol Subject Restraint	5	13%
Cell Extraction	0	0%

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The pre-inspection staff survey results revealed that officers did not feel as adequately trained as they did in 2011. Conversations with staff during the inspection also confirmed that they were concerned about responding to an incident or restraining a prisoner because their training was out-of-date. Training records also showed that few staff have undertaken or are up to date in Occupational Health and Safety training, Breathing Apparatus training, or Senior First Aid or CPR.

To address these training needs, the Department had committed to providing Broome with its own full-time satellite trainer. At the time of writing this report, recruitment for this position was underway.

Chapter 4

STRUCTURED DAY

4.1 THE PRISONER REGIME

The regime did not meaningfully engage the majority of prisoners

The prison routine provides structure and ensures prisoners are using their time constructively to obtain the skills and support they need to help them reduce reoffending. A structured day should be designed to incorporate: work, skills development, recreation, visits, learning and education, and personal responsibility for hygiene and cleanliness. It should also be designed so that prisoners are constructively occupied and do not get bored.

Prisoners at Broome were bored. In the pre-inspection prisoner survey, more than half of the respondents claimed that they were not spending their time at Broome doing useful activities. Staff also responded negatively in their survey, noting that the lack of meaningful activities for prisoners was ‘appalling’.

The weekday schedule for the men in the minimum-security area was:

6.30am	Unlock
7:00am	Breakfast, cleaning, cell inspection, and count
8:00am	Work
12:00pm	Lunch
12:30pm	Population count & return to work
2:30pm	Work ceases
3:00pm	Visits and/or Passive Recreation
4:00pm	Outdoor recreation
5:00pm	Visits cease
5.05pm	Dinner
10.00pm	Evening lock-up

The minimum-security men were unlocked for at least 15 hours each day, which provided ample opportunity for work, visits, and recreation. Working hours were between 8.00am and 12.00pm, and 12.30pm to 2.30pm. These working hours would also be the time for prisoners to complete other meaningful activities such as: programs, education, skills training, medical appointments, or other activities that could address offending behaviour. In reality, there were few work opportunities and no education, programs, or skills development courses at Broome. Instead the daily routine for most prisoners was characterised by boredom. At least the minimum-security prisoners could enjoy the open spaces of the prison, but often spent most of their time watching television or playing games with other prisoners.

Men in the maximum-security unit and women were isolated and deprived of meaningful activity

The schedule for the women and the prisoners in the maximum-security unit was similar to the rest of the prison, however the unlock hours were far more restrictive.

STRUCTURED DAY

7:00am	Prisoner unlock, count, and breakfast
7:50am	Cell inspection
8:10	Structured day / Work
12:00pm	Lock down
12:30pm	Lunch
1:00pm	Visits & work recommences
2:30pm	Work ends, recreation commences
5:00pm	Evening meal
6:00pm	Lock-up

The regimes in the maximum-security unit and the female unit were the same. The prisoners in these units were locked into their cells by 6.00pm each night, regardless of their security classification. Employment opportunities were restricted to their respective units, meaning that jobs available to these prisoners were menial and tokenistic. Both the women and the men in the maximum-security unit were confined to their units, and usually spent their days watching television, playing video games, or playing cards. The regime was essentially meaningless, and the prisoners were not spending their time building their skills or their capacity.

The prison justified the lack of meaningful activity for these prisoners by claiming that both the maximum-security unit and women's unit were transient, short-stay units. But in reality, some prisoners were spending a long time, sometimes months, confined to these units with nothing to do. The lack of activity was demoralising and was not contributing to the rehabilitation of prisoners at all.

4.2 PRISONER EMPLOYMENT

Prisoner unemployment and under-employment at Broome was high

During the inspection, only 33 of the 61 prisoners at Broome were employed. Some prisoners, such as those working in the kitchen and laundry, were kept busy with productive work, but we noticed that there were a significant number of 'working' prisoners in work positions with little to do.

In reality many of the employment positions were tokenistic and failed to provide the skilling, confidence building, and sense of purpose that employment should provide. Some prisoners were completing their daily duties within 30 minutes to an hour, leaving them with nothing purposeful to do for the rest of the working day. Both the staff and prisoners in the pre-inspection surveys rated employment for prisoners very poorly.

The high unemployment levels were partly driven by the inadequate number of Vocational Support Officers (VSOs) to supervise and train the prisoners. The prison employed only four VSOs; two in the kitchen, one in the stores/canteen and one in maintenance. Without additional staff to coordinate and supervise employment opportunities, new industries or work areas could not be created. The high number of

STRUCTURED DAY

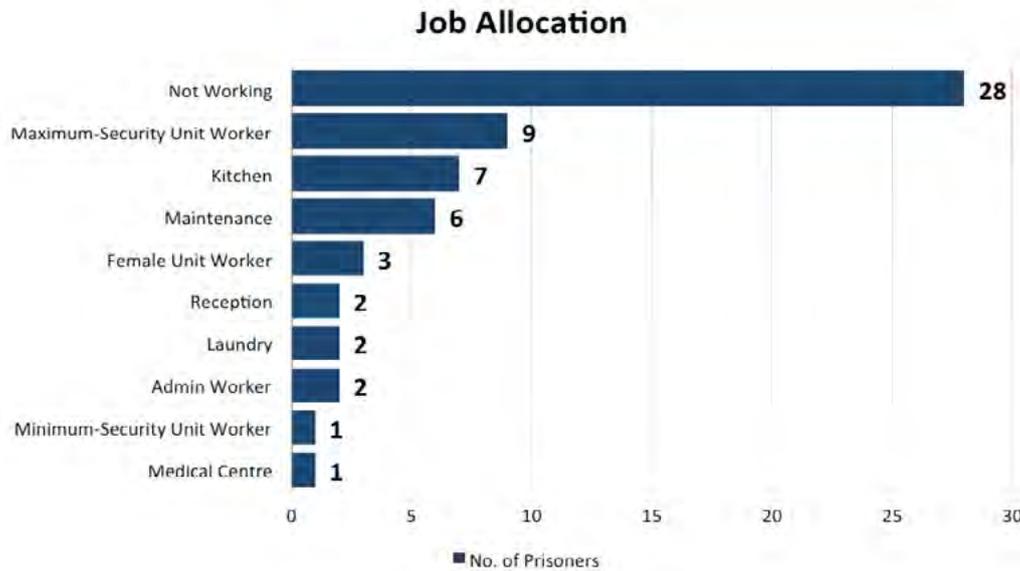


Table 2: The areas that prisoners were working in during the inspection

remand prisoners also contributed to the high levels of unemployment, as they are not required to work under section 43 of the *Prison Regulations 1982*.

More needs to be done to provide meaningful employment opportunities for prisoners, including increasing the number of VSO positions.

There were no meaningful work roles in the maximum-security unit

Most of the unemployed prisoners were in the maximum-security unit. Some of this was driven by the high number of remand prisoners in the unit. The Department claimed, in documents provided to us, that the prison could employ up to 22 prisoners in the unit. These roles could be made up of 15 general unit workers, six unit cleaners, and one recreation worker. This is not practical or realistic.

There was not enough work in the maximum-security unit to meaningfully occupy this number of workers. Each prisoner is required to keep his own cell clean, restricting the unit cleaners to the common areas. The space in the common area is small restrictive, so there would not be a lot of work to distribute among the six cleaners. The run-down and worn out conditions of the facility also makes it almost impossible to clean the unit to a good standard. On top of these challenges, prisoners cannot leave the maximum-security unit, so the cleaners would also have to clean around the constantly crowded areas.

A unit recreation worker within the small and restricted unit could not provide a thorough recreation program. And there would be few other duties in the unit for the remaining 15 general workers to complete.

Recommendation 11:

Provide all prisoners with sufficient meaningful constructive activity, including work and skilling opportunities.

External work opportunities for prisoners had declined

Historically, prisoners at Broome were heavily involved in community work. Minimum-security prisoners who were assessed and found suitable could undertake either supervised or unsupervised work in the community. Prisoners could give back to the community through work at volunteer agencies, government agencies, or other businesses. When we inspected in 2011, prisoners were involved with a Housing Refurbishment Program. Under the supervision of a TAFE lecturer, prisoners renovated derelict state houses and achieved a Certificate II in construction. Other prisoners could participate in course at Kimberley TAFE and a group of prisoners were involved in a work party that participated in various community projects.

During this inspection, there were only three prisoners at Broome approved to work externally. They maintained the gardens out the front of the prison. The shire was disappointed that the external work program was no longer benefiting the community and would welcome more community involvement from the prisoners.

One of the reasons for the low number of prisoners engaged in community work was a bureaucratic policy relating to them being cleared for such activities. If a prisoner was working externally at another prison, and was transferred to Broome, they automatically lost their clearance to work externally and could not reapply for another 28 days. This meant that a prisoner from WKRP or Wyndham Work Camp who was trusted to work in the community, automatically had these privileges revoked when they were transferred to Broome. The Superintendent was not permitted to make his own assessment to allow the prisoner to work in the community.

We drew attention to this absurd situation in the 2015 inspection report, when Broome was still an annex of WKRP. We recommended that the Department cease the process whereby prisoners automatically lose their external clearance on transfer between prisons. The Department supported this recommendation, in principle, and committed to consider a statewide review of the approval system.

In the lead-up to this inspection, we asked the Department to provide us with an update of their progress towards this recommendation. We received a written response claiming that prisoners transferring between facilities can have their external clearance reinstated if the receiving Superintendent deems it appropriate. This was contradictory to what was happening at Broome. The Superintendent did not believe he had the power to reinstate external clearances for prisoners when they transfer in from another facility.

Recommendation 12:

Increase the number of prisoners working in the community.

4.3 RECREATION

Recreation opportunities were poor

Prisoners should have reasonable access to a range of sport and recreation activities. Recreation provides a positive outlet for energy and frustration, helps prisoners to

STRUCTURED DAY

maintain their mental and physical health, and helps prisoners to develop skills to help them reintegrate into society.

Men in the minimum-security section had access to a basketball court and grassed spaces. There was no oval for prisoners to play football or other sports that require more space. There was no gymnasium, no functional weights or exercise machines, and not a lot of sports equipment. There was no recreation officer, nor were there organised sports programs, activities, or internal competitions. The lack of activities available to prisoners was unacceptable.

Of the 44 prisoners who undertook the pre-inspection survey, 40 thought that the recreation options were poor. Staff also believed the recreation options for prisoners were unacceptable, with only 3 per cent believing that the options for prisoners were acceptable.

Access to appropriate recreation at Broome has always been an issue. In the past, the prison was able to overcome these physical limitations by allowing the minimum-security men to play football and basketball competitions in the community. The prison also organised the occasional fishing excursion. These activities were non-controversial and incidents were extremely rare. But over the years, the Department has become so risk averse, that all of these activities have ceased. As the prison has limited space and resources to provide appropriate recreation within the prison grounds, external recreation should recommence.

4.4 VISITS

The visits process operated well

Visits run every day. Visits for the minimum-security men run for two hours every afternoon. These men can visit with their families in large outdoor visits area at the front of the prison. The atmosphere is relaxed and pleasant, and there is play equipment for children. Staff supervise these visits from a distance, allowing the prisoners and their families some personal space. We received no complaints from prisoners about the way that visitors are treated.

The men in the maximum-security unit could not access the visits area, because it was in the minimum-security section. So for these prisoners, visits were held in the maximum-security day room each afternoon. This meant that while visits were on, prisoners could only access the day room if they had a visit. The day room is spacious and air-conditioned, and the staff could observe the sessions from the unit office. But the maximum-security visits centre can get quite noisy during busy sessions, which has in the past interrupted video link court proceedings in the room next door. This was a recent problem for the prison which occurred when the local Magistrate moved video link court sessions from morning to afternoons, at the same time that visits are on.

The visits booking process was flexible and suitable for the region. Visitors are expected to call ahead and book their visit, but if they show up without a booking and the prison has capacity, the visit will still be granted. This works well for friends and family who may have travelled long distances to get there, or may simply be passing through Broome

and would like to stop in for a visit. Prison management has the right to deny these visits if they have any operational or security concerns.

Many prisoners were not getting visits

In the pre-inspection prisoner survey, a high number of prisoners told us that they do not receive visits. The Kimberley is a vast region, comparable to the size of Victoria, and many prisoners are unable to receive family visits. Most prisoners are therefore reliant on the telephone system to keep in contact with their loved ones. Video link facilities are available for video visits, however the facilities are mostly used for court or some inter-prison video links.

Prisons such as Acacia and Pardelup Prison Farm have embraced technology and introduced e-visits, using Skype technology. Skype visits are a cost-effective alternative communication method for prisoners who do not receive visits. Around 70 prisoners per week use Skype at Acacia and around 55 prisoners per week use it at Pardelup. Unfortunately, the Department's progress towards introducing Skype in prisons such as Broome, has been disappointingly slow. Any infrastructure upgrades should incorporate facilities that would allow for Skype visits.

4.5 FOOD

The food was one of the most positive aspects of the inspection

The quality of the food provided by the kitchen was one of the most positive findings of the inspection. Meals were cooked fresh every day. The menu runs over a four week cycle and meets official dietary guidelines. Breakfast, lunch, and dinner were served in the dining room for the minimum-security men. These meals were served buffet style, where prisoners could help themselves to a variety of options, including healthy options such as salads, fruit, and vegetables.

Staff ate the same food as prisoners, and also joined the minimum-security prisoners to eat in the dining room. Staff had no concerns about not having their own private dining room. Meal times were peaceful, with most prisoners keeping to themselves while eating.

Breakfast was delivered to the maximum-security men and women to help themselves. Lunches and dinners for the maximum-security men and for the women were portioned and prepacked and delivered to the units.

Just prior to the inspection, there was only one chef instructor at Broome. He would work weekdays to prepare meals for the kitchen workers to serve the meals on weekends. Having prisoners working in the kitchen without supervision was less than ideal, so it was positive to see a second chef instructor employed to provide seven days of supervision in the kitchen.

Five prisoners work in the kitchen, making it one of the largest employers in the prison. The chef instructor enjoyed teaching the prisoners not only about food preparation, but also about basic work skills. He would support any prisoner who wished to undertake accredited training. However without an education team based at Broome and with no TAFE hours available, kitchen traineeships could not be offered.

STRUCTURED DAY

Only male prisoners worked in the kitchen, although it was pleasing to hear that the chef instructor would be comfortable with minimum-security female prisoners working alongside the men in the kitchen. This opportunity should be explored.

4.6 REMANDEES

Broome was struggling to meet the needs of the remand population

Prisoners on remand have a high level of medical and welfare needs, and must be carefully screened as soon as they are admitted. They may be under pressure from their legal case and their length of stay in prison is uncertain, which can create further stress. Remandees should be able to contact their family as soon as they are admitted to address immediate life concerns such as children, pets, and homes. Remandees may be unsettled, unwell, or under the influence of drugs or alcohol. Not surprisingly, remandees are more likely than sentenced prisoners to be involved in incidents, particularly assaults on staff (OICS, 2014a).

A prison with such a high turnover of remandees needs a strong support system in place. There was no Prison Support Officer to help prisoners with welfare and support needs, and no AVS to assist with similar issues. There was no bail coordinator to help prisoners who met their bail conditions to be released quickly. There was no additional uniformed or medical staff to help facilitate the assessment needs of prisoners.

Remand prisoners did not have access to legal materials to assist with their own legal matters

At the time of the inspection, 34 of the 61 prisoners were on remand. The security assessments used by the Department meant that remand prisoners generally had to be accommodated in a secure environment, regardless of the charges that they faced. As a consequence, the men at Broome were held in the overcrowded maximum-security unit. As already discussed, this unit was not suitable for anyone to be housed in.

Remand prisoners are likely to have outstanding legal issues such as fines, driver's licence suspensions, family court, child custody, or restraining orders. As such, some remand prisoners may need access to legal materials and computers for research purposes. Prisoners also have rights under the law to access legal resources if they are actively engaged with the legal process to determine their innocence or guilt.

Legal resources were limited. We located some legislation, but it was old and out-of-date. There was no library at Broome just cupboards in the common areas containing unordered piles of random books. There were no computers available for prisoners to use for legal preparation and no private space for prisoners to undertake legal reading, writing, or research.

Chapter 5

WOMEN

5.1 WOMEN AT BROOME

Women were isolated and marginalised

Women were not meant to stay at Broome for long periods of time. The unit regime was intended for women to stay short-term to attend local funerals, for family/children visits, for medical appointments, or for court. The Department justified their lack of services for women by the fact that they were only accommodated for short periods of time.

However, during the inspection there were five women in the unit, and some had been there for a long time. One woman had been at Broome for more than six months.



Figure 9: The small courtyard in the women's unit

Women were confined to their unit, and not permitted to associate with the male prisoners, unless they booked a visit with them. The women had family and kinship ties with most of the men in the prison, and wanted to be able to socialise with them in a healthy, safe, and controlled environment. But many women from the Kimberley come from backgrounds of domestic violence and poor relationships, and exposure to male prisoners can be a cause of further trauma. Men and women mixing in prison is a delicate balance, but this does not mean that they should not be able to mix at all. They should be able to engage in normal social relationships as they would in the community. We have suggested to the Department in the past that 'based on careful risk assessments, male and female prisoners should be given the opportunity to voluntarily mix under appropriately managed circumstances' (OICS, 2014b, p. 39). We believe that healthy, safe, and controlled mixing of men and women should be occurring at Broome. This should go beyond intra-prison visits, which would only be approved if the prisoners could prove a direct blood relationship to one another.

WOMEN

Prison life is challenging and confronting for many women, and appropriate support services are vital. While the prison has a peer support team, the two male minimum-security prisoners working in the peer support team did not visit the female yard. This needs to be reviewed.

The facilities for women at Broome were poor

The women's unit had three cells, plus one additional mother-baby cell. The mother-baby cell was not used as intended as Broome could not support a mother with her child in prison. There was a small yard in the unit with a table setting and shade sail, but the yard was unprotected from the rain. Within the unit was an air-conditioned day room that the women could access at any point throughout the day. There was a space for painting, a small disorganised bookshelf, and a sewing machine, however there was no staff available to teach the women how to use the sewing machine. In fact, there were no instructors, or tutors to run any structured activities for the women.

The women had the choice to eat meals prepared by the kitchen. The unit also had a kitchen where the women could make their own meals if they did not want to eat the meals from the kitchen. The chef instructor was happy to provide ingredients for women to cook their own meals or to do some baking, as he did not like seeing the women sitting around all day with nothing to do. While the women appreciated a staff member helping them, they were frustrated by the lack of physical recreation opportunities.

Women had no access to active recreation

There was a recreation yard adjoining the unit, but it was locked and women were not permitted to use it. Staff had concerns because in the past, when the women were unsupervised in the yard they would climb the fence to speak with the men. Some of the male staff also expressed concerns that they were not comfortable supervising the women in this yard by themselves. The women were occasionally let out to play pool in the maximum-security bull pen but they needed more to do. The women asked for some basic exercise equipment, such as a treadmill or exercise bike, and for some access to the basketball court. Most of the women had gained weight since being at Broome, and their mental health and self-esteem were suffering as a result.

Women had limited work opportunities

As the women are confined to their unit, their employment opportunities were restricted to their unit. Meaningful work opportunities were very difficult to provide. The roles within the unit included cleaning, grounds, and gardening. While each of these may provide some activity for the individual, some would not require daily work, and all would only need a limited amount of time to complete.

There were some roles that could be performed within the prison that were away from the main male areas, such as administration cleaners. These jobs were not being undertaken by prisoners but could be done by women and they would not come into contact with the male prisoners.

WOMEN

The visit facilities were not suitable for women

The women have their visits in their unit courtyard. The courtyard was not a suitable place for visits, as there were no visitor amenities, no play equipment, and no activities for children. If a visitor or a child needed to use the bathroom, the visit had to be cut short.

Recommendation 13:

Improve services and conditions for female prisoners at Broome.

Chapter 6

SERVICES FOR ABORIGINAL PRISONERS

6.1 ABORIGINAL CULTURE

Aboriginal prisoners did not feel culturally respected

At the time of the inspection, 55 of the 61 prisoners were Aboriginal. The majority of prisoners who responded to the pre-inspection survey claimed that staff did not understand their culture. This did not however suggest that staff and prisoner relations were poor. In fact, prisoners told us that staff were generally supportive and their day-to-day interactions with staff were quite good. The Aboriginal prisoners did not actually feel that the staff at Broome were racist, rather they lacked understanding about their cultural needs and connection.

Staff also felt that they were not trained well enough to manage the specific Aboriginal prisoner groups in the Kimberley. The cultural training provided to officers would have been the generic units delivered by the Perth Training Academy, and not specific to the sensitivities of the Kimberley people. This training was simply not appropriate for staff to manage the Aboriginal prisoners from the Kimberley region, who tend to live more traditional lifestyles that do not conform to the metropolitan centric training.

The feelings of disrespect among Aboriginal prisoners were driven largely by the inhumane living conditions, particularly in the maximum-security unit. Kimberley people are generally passive in nature, and are less likely to complain about basic comforts if it means that they can remain in-country and be close to family. However, this is not an acceptable excuse for the Department to continue to accommodate prisoners in units without a proper bed to sleep in or any personal space. While the prisoners appreciated being kept in-country, there was a general feeling among the Broome prisoners that non-Aboriginal prisoners in metropolitan prisons would not be made to endure such conditions. Even the few non-Aboriginal prisoners at Broome commented on this.

The Department did not recognise Aboriginal kinship and cultural relationships

Access to funerals is very important to Aboriginal people in custody. There is an obligation for Aboriginal people to attend funerals to show respect to the family, say goodbye, and participate in 'sorry' business. This obligation may continue even though the person is in custody (OICS, 2017).

Prisoner access to funerals has long been problematic across the state. We have produced two reports on the topic, which found that fewer people in custody are accessing compassionate leave to attend funerals or visit dangerously ill relatives (OICS, 2017; OICS, 2013).

The state has a rigid policy for funeral permits. The tight criterion specifies that the person applying to attend a funeral must have a significant blood relationship with the deceased. Aboriginal kinship ties are not acknowledged. In our 2015 inspection report of WKRP we commented that the criterion did not reflect Kimberley culture and was a form of cultural racism (OICS, 2015, p. 39). Our position on the matter still stands.

In February 2017, we released a report that reviewed how the Department had progressed prisoner access to funerals. We recommended that the Department should:

Acknowledge Aboriginal kinship and extended familial relationships as significant relationships when considering access to compassionate leave and provide guidance as to what is needed as evidence of a relationship (OICS, 2017, p. 5).

The Department supported this recommendation in principle, stating that it ‘acknowledges the importance of kinship and cultural ties and as such will consult with the Aboriginal Advice Team on the most culturally appropriate approach’.

We are still yet to see any change or evidence of change. Aboriginal prisoners are still missing out on attending funerals because the Department does not recognise kinship ties. Broome however recognises cultural and kinship ties and supports most local men and women to attend funerals.

The management team at Broome regularly write strong applications recommending prisoners attend funerals. Since becoming a stand-alone prison, the staff at Broome worked hard to try and get prisoners to funerals. One prisoner submitted an application to attend the funeral of his great-grandfather. Prison staff and management put a great deal of work into reviewing the situation and produced a strong argument recommending that the prisoner should be able to attend the funeral. The prison was able to demonstrate that the prisoner had a strong kinship and cultural relationship with the deceased. The prisoner was a well-behaved minimum-security prisoner, cleared to work in the community and was due for release just two days after the funeral. There were no victim issues and the prison offered to facilitate the funeral escort using their own staff. Sadly, despite producing this very convincing argument, and demonstrating little risk to the community, the Department’s head office did not approve the application. It said that the relationship did not meet the criteria of immediate family. The prisoner’s cultural and kinship ties to the deceased were not considered.

The Aboriginal prisoners at Broome were frustrated by the disregard demonstrated by the Department with regards to attending the funerals of loved ones. They felt increasingly helpless and victimised. The Department has made little effort to try and ameliorate their pain brought on by their rigid funeral policy. Action is essential.

Recommendation 14:

The Department should acknowledge kinship and extended family relationships when processing prisoner applications to attend funerals.

6.2 ABORIGINAL VISITOR SCHEME

The Aboriginal Visitor Scheme (AVS) was not functioning at Broome

All government agencies are required to produce a Reconciliation Action Plan to implement actions that build respectful relationships and create opportunities for Aboriginal people. In 2015, the Department launched its Reconciliation Action Plan 2015-2018, as a sign that it was committed to managing of Aboriginal people and issues fairly and appropriately. A requirement of the Reconciliation Action Plan is that they must result in concrete actions and outcomes. It is easy to have a policy but much harder to follow through with actions leading to real outcomes.

Unfortunately, since the Department released its Reconciliation Action Plan, we have found that resources towards programs and services that support the needs of Aboriginal prisoners have actually been reduced or eliminated. This has had flow on effects at all prisons, including Broome.

There was no AVS at Broome. The AVS arose from a recommendation from the Royal Commission into Aboriginal Deaths in Custody, to support people in custody and to prevent self-harm and suicide (Royal Commission into Aboriginal Deaths in Custody, 1991). The program involved Aboriginal people visiting all prisons in Western Australia to provide face-to-face support to prisoners.

Over the past two years, the program has been under review. The number of visitors, the number of visits being undertaken and the number of prisons being visited has declined. To compensate, a 24-hour telephone line was established, that could be used by prisoners or their families. But culturally, Aboriginal prisoners are not comfortable discussing serious issues on the telephone and their preference is to speak with someone face-to-face. Many have therefore chosen not to use the telephone system. Other prisoners in Broome who did try to call the hotline complained that their calls regularly go unanswered. The service was clearly not suitable for the Aboriginal prisoners in Broome.

We heard that the Department is intending to establish a visiting Elders program. If this is extended into every prison in the state, and if it complements the AVS not replace it, it may meet the needs of the Aboriginal prisoner population. But it will require funding and is taking too long to establish.

6.3 PEER SUPPORT

The absence of a Prison Support Officer meant that support services were not provided

Every prison has a peer support program, made up of a selected group of trusted prisoners who support others that may be struggling to cope in prison. The main goal of the program is to reduce the level of distress and incidences of self-harm and suicides.

There were two minimum-security male peer support prisoners at Broome. One of the peer support prisoners worked in reception and provided good support to new prisoners. The two peer supporters had not undertaken gatekeeper training, which is a course that teaches individuals the skills to identify when someone is at-risk of self-harm or generally feeling vulnerable, and make referrals when necessary. Neither of the two engaged with the female prisoners or the prisoners in the maximum-security unit who needed the most support.

Peer support prisoners are normally led by a Prison Support Officer (PSO). The PSO also provides emotional, spiritual, and cultural support for prisoners experiencing trauma and anxiety, which is common among remandees. The PSO for Broome was based at WGRP, and while she was meant to visit Broome regularly this was not happening. Prisoners were left feeling unsupported and isolated. For an Aboriginal prison with high needs and an unstable population, this was unacceptable. Broome management had directed the PSO to resume fortnightly visits to Broome, to provide a basic level of service, but in reality, a full-time PSO is required to be based at Broome.

In the meantime, prisoners are turning to the service provider Men's Outreach for welfare support. Men's Outreach are contracted to provide re-entry services for WKRP, and to help prisoners with issues such as housing, identification, and jobs upon release. This has placed Men's Outreach in a difficult situation, because they are not contracted to provide counselling services. In fact, they are not contracted to visit Broome at all, as their contract is officially for WKRP.

Recommendation 15:

Implement a full support service to meet the needs of Aboriginal prisoners.

6.4 ABORIGINAL SERVICES COMMITTEE

The Aboriginal Services Committee was off to a good start

Historically, Broome had very strong links with the community. The court relied heavily on the prison to hold remandees; police depended on the prison to take custody of arrested persons to avoid keeping them in the lock-ups for long periods of time; community organisations provided services into the prison and the local community benefited from the work provided by prisoners and staff. But once the prison was annexed to WKRP, communication and relationships with the local community ceased, much to the disappointment of that community. There is a need to rebuild community relationships.

The new Superintendent was quick to establish an Aboriginal Services Committee, which is a requirement of all prisons under the Reconciliation Action Plan. Broome's Aboriginal Services Committee is made up of representatives from 20 organisations, including local councils, Aboriginal organisations, religious groups, non-profit organisations, health, and education agencies.

The group focused on:

- establishing collaborative partnerships with Aboriginal people and communities
- advocating for local resources
- engaging Aboriginal organisations to develop targeted initiatives that produce better outcomes for Aboriginal offenders
- investigating opportunities to further develop government and non-profit partnerships
- reporting achievements, challenges, and learnings to internal and external stakeholders
- educating internal and external stakeholders regarding local issues
- providing opportunities for Aboriginal prisoners and offenders to engage with their culture through community events including NAIDOC week (DCS, 2017).

The group was still reasonably new at the time of the inspection, but the prison had already established a partnership with the Goolarabooloo Millibinyarri Aboriginal Corporation at Coconut Wells. Another new initiative was the partnership with Men's Outreach to make a new prisoner orientation video suited for Aboriginal prisoners. These

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were a couple of small but worthwhile steps for the new group, encouraging a renewed focus on Aboriginal needs within the community and prison.

As well as focusing on how community organisations and groups can link up with the prison to support Aboriginal prisoners, the Superintendent also wanted to review the overall needs of the Kimberley through the Aboriginal Services Committee. This included reviewing the use of the Wyndham Work Camp to meet the rehabilitation and reintegration needs of Aboriginal prisoners. This more strategic and holistic approach to the needs of the Kimberley Aboriginal prisoners is much needed and might begin to address the gaps that have existed from within the Department for some time.

Chapter 7

SAFETY AND SECURITY

7.1 SECURITY PROCEDURES

Local orders were outdated and procedures were unclear

The Local Orders for Broome were outdated, with some last reviewed as far back as 2001. Local Orders detail the operating procedures that help staff carry out their duties effectively and in line with prison rules and regulations. It is imperative that the orders are kept up-to-date so staff can work uniformly and to clear directions.

A lot of staff told us that they were uncomfortable undertaking some security procedures, such as urine testing. In 2015 the Department introduced new instant test cups that instantly indicate when a prisoner has consumed a banned substance. In line with the new procedure, the Department released a Prisons Order in 2015 which contained instructions of how to conduct a urinalysis test using the instant test cup (DCS, 2015). Despite these documents being produced, the staff at Broome were still working from an outdated drug and alcohol testing order from 2011 and were uncomfortable using the new instant cups.

There were a number of other local and standing orders that were outdated. For example, there was a standing order to manage prisoners at Bungarun Work Camp in Derby, which closed in 2011. Even the standing order that details the rights and responsibilities of our office was incredibly outdated, referring to the former Inspector who retired in 2009. Now that the future of the prison is confirmed local and standing orders need to be updated as a matter of urgency. During the inspection we did hear of plans for the entire suite of orders to be reviewed and updated.

7.2 DYNAMIC SECURITY

Relationships between prisoners and staff were positive and respectful

Good relationships with prisoners help prisoners to feel comfortable to approach a staff member before a problem escalates. It also helps the prison staff to be more aware of what is going on. Throughout the inspection we regularly saw prisoners and staff respectfully engaging with one another.

Prisoners told us that they had some concerns with individual staff members, but on the whole most staff were positive and helpful. In the pre-inspection survey, 31 out of 42 prisoners told us that they got along well with staff, and most prisoners felt safe at Broome. As a testament to the positive staff and prisoner relationships, when we asked prisoners in the survey about what they thought was 'good' about Broome, staff ranked third highest.

Prisoners felt able to approach most staff members if they had a concern, and prisoners told us that they were generally responsive when the issue was one that they could address.

Management were also very visible within the prison and were very engaged with prisoner issues. The prison provided evidence that unit meetings had been taking place on a regular basis. Minutes from these meetings showed that a number of issues had been

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raised and followed up. In the pre-inspection survey, staff also believed that they have a pretty good idea of what is happening around the prison. These positive, dynamic security practices should continue.

7.3 SECURITY RISKS

The conditions in the maximum-security yard were heightening the risk of prisoner unrest

In February 2015, while Broome was still annexed to WKRP, the WKRP security team updated Broome's Emergency Management Plan. The plan contained detailed instructions advising staff of what to do in case of emergencies such as loss of control, fire, escape, death, or other emergency. While some of the instructions were still relevant, the plan needed updating, particularly the outdated emergency contact listings.

Since becoming a stand-alone prison Broome continued to run emergency management training. Some of these exercises have included emergency shutdown drills, cyclone procedures, and emergency evacuations. In August 2016, the prison also ran a joint emergency management exercise with the Department of Fire and Emergency Services. Afterwards the prison prepared a document on lessons learned from this exercise.

Just prior to our inspection, the prison undertook a major disturbance desktop emergency management exercise. Eight custodial staff members participated, while prison management observed. Afterwards, both staff and management became even more concerned that Broome faced a significant risk of a major disturbance in the maximum-security yard. The risk factors identified in the emergency management exercise were highly visible in the maximum-security yard: crowding, heat, boredom, constant lockdowns, restricted access to telephones and visits, available contraband, length of stay, increase in incidents, lack of shower facilities, and no exercise equipment.

These risk factors were acknowledged by prison management but little could be done locally to ease the situation. Management therefore turned to head office for assistance. Head office acknowledged in an email that Broome was under significant pressure but could not commit to addressing the risk factors identified by Broome management. This did nothing to ease the concerns of Broome management. These risk factors remain a serious concern for the maximum-security section of Broome prison and need addressing.

Recommendation 16:

Address the identified security risks in the maximum-security unit.

7.4 TRAFFICKING AND DRUG USE

There was no strategy for managing the trafficking of drugs and other contraband

It is important for prisons to have a strategy to eliminate drug use. Substance misuse in prisons has the potential to cause significant harm to prisoners, staff, visitors, family, and

the community. It can also contribute to problems such as:

- unpredictable behaviour
- increase of mental health problems
- standover
- bullying
- violence
- risk of infections and blood-borne viruses due to sharing of needles
- risk of overdose and death
- pressure on family and friends to traffic products into the prison.

A good drug strategy should address the supply of drugs into the prison, the demand for drugs by prisoners and encompass a harm minimisation strategy to prevent the spread of disease and blood-borne viruses. The prison did not have an up-to-date drug strategy, and a number of risks were identified throughout the inspection.

Supply

The centralised location of prison and the lack of suitable cameras made the fence line a high risk area for trafficking drugs and other contraband. The prison is enclosed with a single 'anti-climb' fence, with a one metre crank at the top designed to prevent escapes. The fence is exposed to the public, running along the car park and public pedestrian area at the front of the prison. The prison is located close to the police station, and the police have on numerous occasions caught members of the public throwing contraband over the fence into the prison.

The gatehouse was also not designed for undertaking searches of people entering the prison. When visitors arrive, they report to a staff member through the window in the gatehouse. There was no metal detector and no private area for searching visitors. As a consequence, we did not see any searches conducted during our visit, and staff told us that they do not search visitors or staff. This created another risk area for trafficking. The prison staff and management were well aware that contraband could be easily brought in to the prison. Not one respondent to the pre-inspection staff survey felt that the prison was effectively preventing the entry of contraband.

It was difficult to tell just how much contraband is coming in to the prison, although staff told us that they regularly find drugs. Just prior to our inspection, the Department directed all prisons to undertake a number of random urine tests, specifically designed to determine the level of drug use in prisons across the state. Broome was excluded from this direction, and prison management was not even aware that statewide urine testing was occurring. Since Broome became an independent prison again it had never participated in the statewide drug and alcohol testing, and the level of drug and alcohol use at Broome has not been assessed.

The prison can undertake a targeted urine test if they believe a prisoner may be under the influence of a banned substance. Since Broome became a stand-alone prison in September

2016, 31 targeted urine tests have been conducted, and five returned a positive result. While it is positive to see that prison staff are taking the initiative to test prisoners when they suspect a prisoner is using an illicit substance, the approach is far from coordinated. If the prison were to appoint someone responsible for security, then an appropriate strategy to combat the supply of drug and alcohol could be rolled out.

Demand

Demand reduction refers to strategies that discourage individuals from using drugs or alcohol and live healthy lifestyles. In a prison setting, demand reduction strategies include running programs such as Alcoholics Anonymous or Narcotics Anonymous, detox and withdrawal programs and pharmacotherapy programs such as the methadone program. None of this was happening at Broome and prisoner addictions were not being addressed.

Harm Minimisation

Harm minimisation aims to reduce the harmful effects of alcohol and drug use, particularly the transmission of blood-borne viruses caused by injecting drug use. When the new management team commenced at Broome, some one-off training sessions were provided for minimum-security prisoners, women, and maximum-security prisoners to prevent the transmission of blood-borne viruses. All prisoners should participate in this training when they first enter prison.

7.5 PRISONER DISCIPLINE AND PUNISHMENT

The prosecutions process has improved, but needs more support from management

When prisoners break the rules, they can be charged under the *Prisons Act 1981*. Prisoners may commit a minor offence, such as disobeying rules, behaving in a disorderly manner, using indecent language, or damaging property. Or they may commit a more serious aggravated offence, such as returning a positive urine result, assaulting a staff member or another prisoner, behaving in a riotous manner, escape, being in the possession of a weapon, or failing to submit for a drug test.

When an incident occurs, security may investigate and if there is enough evidence the prison prosecutor can progress the charge. The prisoner must then appear before the Superintendent or a Visiting Justice, depending on the severity of the offence. If found guilty, punishment may consist of a loss of privileges, loss of gratuities, restitution payment, or confinement to a punishment cell.

The prosecutions process has improved since the prison became detached from WKRP, with a dedicated prosecutor now based at Broome who could progress charges efficiently. This role was undertaken by a custodial officer, who completed his prosecutions work on top of his regular custodial work. The Superintendent approved overtime for this. However without a dedicated security team based at Broome, investigations were not running as effectively as they could.

There were two multipurpose cells that could be used as punishment cells when required. The cells were a good size and in good condition. They had a toilet and shared shower. Section 82 of the *Prisons Act 1981* clearly states that prisoners confined to a punishment

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cell must have access to fresh air and exercise for at least one hour per day. But the multipurpose cells had no exercise yard. They are clearly not suitable for punishment, so sometimes instead of confining a prisoner to a punishment cell, the Visiting Justice will cease gratuity payments for a period of time. While this is not the most ideal solution, it appeared to be the best solution given the deficiencies in Broome's infrastructure.

Chapter 8

HEALTH AND WELLBEING

8.1 PHYSICAL HEALTH CARE

Nursing coverage had improved

When Broome was preparing to close and was annexed to WKRP, only three part-time clinical nurses were employed to service the medical needs of prisoners at Broome. During the last inspection, we identified health as the most problematic and highest risk area for Broome (OICS, 2015, p. 64). We said this because an analysis of health centre statistics revealed that the demand for health services were still as high as before the prison was downgraded, yet the staffing levels had dropped significantly. Nursing staff were feeling constrained and under considerable pressure and prisoners passing through the prison were not always seen by the nurses. This led to a recommendation to increase medical staffing levels to provide appropriate basic services to prisoners (OICS, 2015, p. 67).

We were pleased to see this recommendation actioned. In 2016, the Clinical Nurse Manager position was restored and the hours of the three part-time nurses were extended. A Senior Medical Records position was also funded. It was yet to be confirmed if this level of resourcing would continue.

The demand for health services was variable. The Department requires an initial health screening to be done for all new intakes. This includes all new prisoners from courts and all transient prisoners. If prisoners arrive late in the day from courts or from other prisons, the nurses will conduct a quick assessment sheet. This quick assessment asks if a prisoner is on medication, has any urgent issues or wounds, whether they suffer from asthma, diabetes, cardiac problems or seizures, and when they last used alcohol or drugs. The following day a full health screen is conducted, and any issues identified are followed up as appropriate.

Health services at Broome were reactionary. There were no health education initiatives, other than with individual patients during their consultations. There was no dental service at Broome, and prisoners needing dental work were transferred to WKRP. There were also no ancillary services such as physiotherapy and optometry available in the prison, meaning that those prisoners who needed such services were taken to an appointment in the community. The manager would like to make plans to address the additional service needs at Broome, but was waiting for direction about the prison's future.

The medical centre, built in 2011, was unsuitable. It had limited space, privacy issues, and the floor was affected by white ants. A replacement facility should be considered as part of any renovations to Broome.

The lack of a GP service was a risk to patient care

The GP services at Broome were less than ideal. In 2016, a GP from head office visited Broome on a fortnightly basis, but these arrangements ceased in January 2017. Efforts to recruit locally failed leaving Broome without a GP service.

A temporary solution was introduced whereby consultations were conducted by tele-health with the doctor at WKRP. But this solution was not ideal and it placed

additional pressure on the nurses as they had to be present during the consultation. It also meant that the full medical assessment which the Department requires for each new prisoner within 28 days of arrival was not being completed.

A GP is also required to address issues on admission, such as whether a prisoner with a pre-existing condition should continue on medication once they enter prison. If a prisoner arrives from a private prison with medication, the GP is required to issue a new prescription to be filled through a local pharmacy until more medication can be issued. Without a GP, prescriptions for those with mental health or addiction issues were considerably delayed. Some prisoners from private prisons who arrived at Broome on medication for mental health issues have had to stop taking their medication until a new prescription could be arranged.

8.2 MENTAL HEALTH

The prison received a good service from a community mental health team

There were no medical staff at Broome with mental health training, nor was there a dedicated comorbidity nurse. The situation would be intolerable, except that a clinician from the Kimberley Mental Health Drug and Alcohol Services was accepting referrals and visiting the prison to see patients. The service worked well particularly as many prisoners were already known to the organisation. This provided for continuity of care before and after time spent in custody. But there were often long waiting times between generating referrals and consultations, meaning that the prison was forced to manage the unwell prisoner with little direction and recourses.

The custodial staff were concerned that they were not trained or resourced to manage prisoners with significant mental health issues. Broome has a high number of receivals, many whom are drug-affected and withdrawing from substances. Staff and management told us that they receive about one prisoner per week who is withdrawing from methamphetamines. Prisoners coming down from drugs create a challenge and a risk for the prison, and the prisoner requires high levels of monitoring. Very few respondents in the staff survey felt that they had enough training to manage prisoners with drug or mental health issues. In most cases, the prisoner simply ends up being placed in the multipurpose unit while waiting for mental health treatment.

8.3 MANAGEMENT OF AT-RISK PRISONERS

The At-Risk Management System (ARMS) functioned well at Broome

Prisoners were interviewed and assessed when they first arrive at Broome to determine if they present a risk of self-harm. Officers ask the prisoner about their immediate personal needs, their support system, any history or thoughts of self-harm, and their current anxieties and fears. If a prisoner is identified as being at-risk, they were immediately placed on the ARMS, seen by the prison counsellor and, if needed, by the nursing staff. At any time if custodial staff, the prison counsellor, or health staff become concerned about a prisoner's wellbeing they can recommend that a prisoner be placed on ARMS.

A Prisoner Risk Assessment Group (PRAG) made up of: the ASO, custodial staff, nursing staff, and the prison counsellor met as needed to assess the status of at-risk prisoners and plan for any further interventions. We observed a PRAG meeting during the inspection where the status of two at-risk prisoners was discussed. Each representative presented their views of the situation and made recommendation for further action. The process ran well, and the agreed actions were undertaken immediately.

Overall, the ARMS system worked well, however the prison may be exposed to additional risk when the full medical checklists are not completed for intakes arriving late at night. The quick health assessment completed by nursing staff at night did not deal directly with the risk issues relating to self-harm. Consideration should be given to include an at-risk assessment of all prisoners arriving late at night.

The Prison Counsellor was over-burdened and will likely be affected further by head office reforms

There was only one prison counsellor at Broome, and no other mental health staff. The counsellor was solely responsible for assessing and counselling prisoners on ARMS. But with the number of prisoners on ARMS increasing, the counsellor was becoming over-burdened with risk management counselling. She was also responsible for undertaking treatment assessments for offenders for Adult Community Corrections and occasionally for prisoners as part of their Individual Management Plans. She was left with very little capacity to provide preventative counselling for prisoners struggling to cope with grief, trauma, and relationship issues.

The counsellor could not see prisoners in her office, and there were no dedicated counselling rooms at Broome. When required, space was found either in reception, in the video link room, or in the maximum-security day room. This is not ideal as it can create logistical challenges at busy periods in the prison.

Prison Counselling Services have been wound back in Perth metropolitan prisons, and it has been suggested that only 1.5 FTE is needed to service the three northern prisons – Broome, WKRP, and Roebourne. This is wholly inadequate, taking into account the admission rates for these facilities, the numbers held on remand, the difficulties in service provision at remote facilities, and the need to provide coverage during leave periods.

Chapter 9

REHABILITATION

9.1 ASSESSMENTS

Broome was still dependent on WKRP to undertake their assessments

When a prisoner is first remanded at Broome, a Management and Placement (MAP) assessment must be completed to determine the prisoner's security classification and their most appropriate prison placement. The assessment will determine if the prisoner will remain at Broome, or be transferred to WKRP or another prison. There were no staff available to undertake prisoner assessments at Broome as this function still sat with WKRP. WKRP were completing around 10–15 assessments per week. It is vital for these assessments to be completed as soon as possible as Broome only had 28 beds in the maximum-security yard for prisoners waiting to be assessed.

Prisoners with long sentences need to participate in a case conference with the WKRP case manager and have an Individual Management Plan (IMP) completed. An IMP will determine the prisoner's rehabilitation and reintegration needs and treatment and education requirements. They should be reviewed every six months. Most IMPs were done once the prisoner was transferred to WKRP, but quite a few of the sentenced prisoners at Broome needed to have their six-monthly IMPs reviews. A few also needed parole reviews. Some IMP reviews were done remotely from WKRP but it was not possible for the prisoner to be present. At best, the prisoner might participate on the telephone.

Broome assessments were also regularly delayed. This was due to the heavy workload of the WKRP assessments team and the delays with Broome unit staff passing on information WKRP. As a temporary solution, Broome management requested expressions of interest from Broome staff who wished to undertake assessments as part of their normal shift work. Given that staff already complained about being tired and overworked, it was not surprising that no one responded to the expression of interest. Broome must be provided with the resources to manage its own assessments. At a minimum a full-time assessments writer is needed.

Recommendation 17:

Provide resources for Broome to undertake their own prisoner assessments.

9.2 CASE MANAGEMENT

There was no private space for case management meetings

All sentenced prisoners with an IMP should be assigned a case manager, which is part of the duties of a custodial officer. The case manager should meet regularly with prisoners to discuss their progress against their IMP. Discussions should be based around support needs, motivation to change and helping the prisoner with family issues, release plans, training needs and voluntary programs.

There were 12 prisoners at Broome who required case management. Of these, six had been assigned a case manager at Broome, while five were assigned a case manager at another facility.

For some years, the Department has aspired to create a more comprehensive case management system. Its 2015–2018 strategic plan described this as ‘an integrated and individualised approach to the management of offenders, focusing on safety, rehabilitation, reintegration, and reduction in reoffending’. The reforms were intended to increase the number of prisoners involved in case management and improve the level of staff engagement with prisoners. However, the latest Departmental update suggests that the completion for the new program has been delayed until December 2017.

Even if Broome’s case management process was functioning well, there was no private space for prisoners to speak confidentially with staff. This was particularly an issue in the maximum-security unit. Staff were based in an office with a small window for prisoners to speak through. Only basic transactions could be done through this window. If a prisoner wanted to have a lengthy conversation with a staff member, they could do so in the yard among the other prisons, in the corner of the day room, or in the video link room. A proper interview facility is needed in each unit, especially in the maximum-security yard.

9.3 PROGRAMS

There were no rehabilitation programs running at Broome

When a prisoner is assessed as part of their IMP, they may be required to participate in a treatment program to address their offending behaviour. At the time of the inspection there were 12 prisoners who were required to participate in at least one offender treatment program. Program needs varied from addictions, to violence, and to sex offending. Most required intensive programs and they were considered high risk of reoffending if they did not participate in the program.

There are not enough prisoners at Broome to run offender treatment programs, and these particular prisoners were not booked to participate in the program at any other facility. It is likely these prisoners will be released without addressing their offending behaviour. The Department needs to start exploring alternative methods for delivering programs, particularly to small, regional prisons. A combination of distance learning and online program participation may be a solution to this problem.

Most prisons supplement formal offender programs with a range of shorter, voluntary programs. Broome prison did not offer any voluntary programs.

9.4 EDUCATION AND TRAINING

There was no education offered at Broome, not even short life skills courses

Broome lost its education program when it became an annexe of WKRP. Prior to that, Broome was offering innovative short-courses on remedial literacy and numeracy and allowed prisoners to attend TAFE programs to gain qualifications while engaged in on-site prison refurbishments.

Unfortunately, when we inspected in 2017 there was no education service at Broome. Nor were there any future plans to restore education or training at Broome. The only

exception to this was the prison's future plan to allow minimum-security prisoners with external clearances to attend TAFE if they wished.

Many remandees and sentenced prisoners at Broome were seriously lacking basic literacy and numeracy skills. The average length of stay for remandees was 40 days, with some staying for many months. Without meaningful work or recreation, education would be a useful way to spend their time. As well as improving literacy and numeracy, prisoners could participate in short-course to learn food hygiene, communication skills, life skills, health, and occupational health and safety.

9.5 PREPARATION FOR RELEASE

Very little support was offered to prisoners due for release

Broome had very limited capacity to assist prisoners to prepare for release. There was no one available at Broome to help prisoners prepare for parole. The only option was for the prisoner to telephone the assessment staff at WKRP to discuss their parole plans. There were no computers available for prisoners to type their own parole plans.

There was no Transitional Manager at Broome. A Transitional Manager would normally provide referrals to relevant agencies to help prisoners prepare for release. They would also invite agencies into the prison to support prisoners and equip them for returning back to the community.

Many of the prisoners released from Broome had spent the majority of their sentence in another prison. They return to Broome for release so they can get home easily. Some of their transitional planning could be done at other prisons. This could involve assisting with obtaining birth certificates and identification, having old fines cancelled, opening a bank account, and looking for work. Broome did not have the capacity to assist with this planning.

Men's Outreach provided some re-entry services to prisoners at Broome, but their resources were incredibly stretched. They were originally contracted to provide re-entry services for 150 prisoners at WKRP with the expectation that Broome would eventually close, but in reality they were providing services for 270 prisoners at both WKRP and Broome. One or two case workers attended Broome for one morning each week to interview prisoners approaching release and to attend to prisoner enquiries. There were no dedicated interview rooms to meet with prisoners, so they met in the visits area, in the video link room, or in the yard. The case workers did not have access to a computer and could not take in their laptops with case notes, which made their job quite challenging.

Men's Outreach arranged transport home for released prisoners, sometimes driving them to remote communities themselves. However, this had proved difficult for prisoners returning to Broome for release with only two days' notice. Men's Outreach did not actively follow up with released prisoners in their home community.

Appendix 1

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Appendix 2

ACRONYMS

ARMS	At-Risk Management System
ASO	Assistant Superintendent Operations
ASOS	Assistant Superintendent Offender Services
AVS	Aboriginal Visitor Scheme
IMP	Individual Management Plan
MAP	Management and Placement
PRAG	Prisoner Risk Assessment Group
PSO	Prison Support Officer
VSO	Vocational Support Officers
WKRPP	West Kimberley Regional Prison

Appendix 3

RESPONSE TO RECOMMENDATIONS

Recommendation	Department of Justice Response and Level of Acceptance
1. Build a new prison in Broome or upgrade the current facility to a humane and decent standard.	<p>Supported in principle</p> <p>The Department is reviewing options for delivery of custodial services to the Kimberley region in the short, medium and long term which will be included in the Strategic Asset Plan. Immediate priorities to upgrade conditions and security are currently being prioritised.</p>
2. Develop and implement a sustainable and cost-effective solution for managing East Kimberley prisoners.	<p>Supported in principle</p> <p>The Department is reviewing options for delivery of custodial services to the Kimberley region in the short, medium and long term which will be included in the Strategic Asset Plan.</p>
3. Improve conditions for male prisoners in the maximum-security unit.	<p>Supported</p> <p>The Department agrees with the Inspector's recommendation to improve conditions for male prisoners in the maximum-security unit. Since the inspection, the Department has maintained a steady number of prisoners in the maximum-security section to be below the capacity of 28. This is part of the Department's wider population management plan which involves the installation of 62 additional beds at WKRP. These additional beds will assist with maintaining the population levels at Broome Regional Prison in line with capacity.</p> <p>It should be noted that the number of prisoners on mattresses on the floor at both WKRP and Broome has significantly reduced. The reduced population in the maximum-security section has improved the living conditions for the male prisoners.</p>
4. Fix the leaks, condensation, and mould in the administration buildings	<p>Supported in principle</p> <p>The Department supports the Inspector's findings that the administration facilities at Broome require significant works to repair leaks and address the issues of condensation. The Department gives in principle support to the recommendation on the basis that capital investment must be secured to completely address the recommendations. Broome Regional Prison will continue to carry out local level refurbishments as far as possible within existing resources.</p>
5. Create and fill a Business Manager position at Broome.	<p>Supported</p> <p>The Department acknowledges the sharing of resources across functions between West Kimberley and Broome has put a strain on the management and administration of both prisons.</p> <p>The position of Business Manager has been identified and included in the proposed Staffing Agreement for Broome. In addition, two administration positions have also been included.</p>
6. Create and fill the role of Assistant Superintendent Offender Services.	<p>Supported</p> <p>The Inspector's recommendation is noted and Broome Regional Prison now has a permanent Assistant Superintendent Offender Services.</p>

RESPONSE TO RECOMMENDATIONS

Recommendation	Department of Justice Response and Level of Acceptance
7. Create and fill a security position in the management team.	<p>Supported</p> <p>The position of Security Manager has been identified and included in the proposed Staffing Agreement for Broome Regional Prison.</p>
8. Implement a new staffing model to ensure the prison is appropriately staffed for its number of prisoners.	<p>Supported</p> <p>Capacity was modified in May in line with staffing and services available, together with the deactivation of cells that were not fit for purpose.</p> <p>The Broome Staffing Agreement has been developed and agreed locally between prison management and local WAPOU delegates. The agreement has been presented and endorsed at Executive Budget Committee and provided to WAPOU Executive for endorsement. Recruitment is expected to commence once the Agreement is endorsed.</p>
9. Introduce a more gender-balanced officer mix, and address any issues of sexism among staff.	<p>Supported in principle</p> <p>The Department agrees with the Inspector that having an effective balance of female and male officers is critical to the operations of the prisons, particularly in those instances where a female officer must carry out tasks with female prisoners.</p> <p>While the Department supports a gender balanced staffing profile at Broome and agrees with the Inspector's recommendation, it must be acknowledged that the Department is bound by the provisions outlined in the Industrial agreement that determines that the staffing of prisons is managed via the transfer list. Transfers into facilities are determined by position on the transfer list and consideration of other factors like the gender based staffing profile (in this case to operate the prison effectively) is considered secondary to position on the placement list. The Department would welcome the opportunity to manage the estate based on a broad consideration of features like gender, skill sets, experience and other socio-cultural factors, however, these factors are not currently within its control to consider.</p>
10. Recruit and retain more local Aboriginal staff.	<p>Supported - existing Departmental initiative</p> <p>The former Department of Corrective Services recently approved strategies for Aboriginal workforce recruitment and development with a view to increasing and retaining Aboriginal staff in the corrective services workforce.</p>
11. Provide all prisoners with sufficient meaningful constructive activity, including work and skilling opportunities.	<p>Supported in part</p> <p>As Broome is predominately a short term remand facility, it should be noted that there are no obligations for a remand prisoner to engage in structured employment. As such, the length of stay would also not be adequate for a structured educational program.</p> <p>Employment opportunities however are available for the prisoners within the minimum yard. In addition, the recent changes to prison procedures 301 and 302, provide further opportunities for placement at Wyndham Work Camp.</p>

RESPONSE TO RECOMMENDATIONS

Recommendation	Department of Justice Response and Level of Acceptance
12. Increase the number of prisoners working in the community.	<p>Supported</p> <p>Approved prisoners already engage in Section 95 activities at Broome. The recent changes to prison procedures 301 and 302 will provide further opportunity for placement at a work camp.</p>
13. Improve services and conditions for female prisoners at Broome.	<p>Supported in principle</p> <p>The future of Broome as a short term remand facility highlights that women prisoners will be kept for as short a period as possible and transferred to West Kimberley at the earliest opportunity.</p> <p>Female prisoners at Broome are allowed, on request, to associate external to the unit.</p>
14. The Department should acknowledge kinship and extended family relationships when processing prisoner applications to attend funerals.	<p>Supported – existing Departmental initiative</p> <p>The Department considers applications to attend funerals under policy directive 9 (PD9). The instrument contains a definition of immediate family, which is considered as one criterion when assessing an application. However, the Department does recognise exceptional relationships as stipulated at 8.3.2 of the policy, and this has been applied to ensure appropriate consideration is given to Aboriginal kinship relationships.</p> <p>Further, where a funeral application is initially refused, there is an appeal mechanism to consider exceptional circumstances, including exceptional relationships. Appeals are considered by the delegated authority and in cases where it is demonstrated that there are exceptional circumstances and notwithstanding, the consideration of other criteria used to assess an application, the Assistant Commissioner or higher approving authority can uphold the appeal. While the Department considers that it provides compassionate consideration of all applications, it has committed to reviewing PD9 in consultation with the Aboriginal Advice team on the most culturally appropriate approach to acknowledging kinship and cultural ties.</p>
15. Implement a full support service to meet the needs of Aboriginal prisoners.	<p>Supported</p> <p>Recruitment for a Prison Support Officer (PSO) and an Aboriginal Visitor Scheme visitor is in progress. Until this process is finalised, the PSO role at Broome is filled on a temporary basis.</p> <p>The Department intends to establish an Aboriginal Services Branch by June 2018, which will work to embed a practice development framework that will include strategies and resources to support front line operations when working with Aboriginal people.</p> <p>The current procurement process for rehabilitation and reintegration services will include a stronger Aboriginal focus in the regions.</p>
16. Address the identified security risks in the maximum-security unit.	<p>Supported</p> <p>The Department acknowledges the identified security risks in the maximum security section and has commenced remedial actions to address the areas of concern. This should be read in conjunction with the responses provided to Recommendation 3.</p>

RESPONSE TO RECOMMENDATIONS

Recommendation	Department of Justice Response and Level of Acceptance
17. Provide resources for Broome to undertake their own prisoner assessments.	<p>Supported</p> <p>The newly developed Broome Staffing Agreement has identified the need for an Assessment Writer. Once the Agreement is endorsed, recruitment for this position will commence.</p> <p>Currently there is a full-time staff member completing Treatment Assessments at Broome.</p>

Appendix 4

DEPARTMENT OF JUSTICE RESPONSE TO REPORT

OICS INSPECTION APRIL 2017

Broome Regional Prison

The Department of Justice (the Department) welcomes the Inspection of Broome Regional Prison (BRP) in April 2017. The Department accepted all 17 recommendations made by the Inspector following his review.

Since the Inspection, the Department has commenced a significant improvement program at Broome Regional Prison.

The Department has undertaken to re-establish the facility, from an annex of West Kimberley Regional Prison (WKRK), to an operational prison, acknowledging that the facility has an essential role as the primary prisoner reception and disbursement hub for the Kimberley.

An experienced superintendent has been re-appointed to oversee the operations of the facility.

To give effect to these changes and to enable the facility to provide safe and secure management of prisoners, a program of remediation and infrastructure upgrade has been proposed. The Department has sought urgent capital infrastructure funding to address a number of long standing issues.

Infrastructure

Since the Inspection, the Department has maintained the prisoner numbers below the design capacity through an increase in beds at WKRK, which has improved living conditions at BRP.

A number of infrastructure upgrades have also been undertaken in 2016/17 to improve the maximum security building, women's building, administration building and kitchen facilities.

Capital funding has also been sought to undertake significant improvement works which includes proposals to improve cell conditions, expand secure fencing, create a secure reception facility, improve the visits facility, upgrade gatehouse security including upgrades to Mobile Duress Alarm System (MDAS).

Workforce

A new Staffing Agreement for BRP has been agreed to in consultation with the WA Prison Officer Union and is going through the final approval process. This will provide BRP additional staffing capacity to support the operations of the facility. Key positions identified in the Inspector's report e.g. Business Manager, Security Manager, Cashier and Assessment Writer are included in the Staffing Agreement.

As at 17 August 2017 (midnight), Broome housed 59 prisoners.

Two new Entry Level Training Programs (ELTP schools) are scheduled to run commencing September and October this year. There are also three local recruits in the ELTP school scheduled to finish in August 2017.

Recruitment and filling of the vacant positions is expected to be completed in October 2017.

Services and Operations

Since the Inspection, the prison capacity at WKRP has been increased which has taken the population pressure off BRP enabling the facility to serve its primary function as a short term receipt facility.

Improvements to services and operations have been underway with the Community through the Aboriginal Services Committee to provide cultural programs including Section 95 activities, National Sorry Day, NAIDOC and health information sessions. Alternative arrangements are being made between WKRP and BRP to gain better access to both the Aboriginal Visitor Scheme and Peer Support Officer network. The staffing of health services is under review, and the attendance of a Doctor to the facility has increased to fortnightly.

Appendix 5

ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS FROM PREVIOUS INSPECTION

Recommendation No.	Recommendations	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
1.	The Department to initiate discussions with the Health Department and the Mental Health Commission to allow mentally ill prisoners from WKRP to receive inpatient treatment in a locked authorised bed in Broome Hospital rather than being transported to Perth.		•			
2.	The Department must finalise its planning for the closure of Broome Regional Prison and for the future of custodial corrections in the Kimberley, including genuine consultation with stakeholders and communication with its staff.		•			
3.	Cease the practice whereby prisoners automatically lose Section 95 status on transfer between prisons.		•			
4.	For as long as Broome Regional Prison remains open, increase custodial and medical staffing levels to provide appropriate basic services to prisoners.		•			
5.	The Department, in conjunction with Western Australian Police, to implement more efficient and cost effective arrangements for the housing, transportation and care of prisoners in lockups across the Kimberley.		•			
6.	Develop and action a plan that includes a new prison in the East Kimberley, maximises the use of Wyndham Work Camp and examines the feasibility of a short term holding and assessment centre in Kununurra.		•			

Appendix 6

INSPECTION TEAM

Andrew Harvey	Deputy Inspector
Natalie Gibson	Director Operations
Cliff Holdom	Inspections and Research Officer
Amanda Coghlan	Inspections and Research Officer

Appendix 7

KEY INSPECTION DATES

Formal notification of announced inspection	21 November 2016
Pre-inspection community consultation	15 February 2017
Start of on-site phase	28 March 2017
Completion of on-site phase	31 March 2017
Inspection exit debrief	7 April 2017
Draft Report sent to the Department of Justice	11 July 2017
Due date for return of report from Department of Justice	9 August 2017
Draft report returned by Department of Justice	17 August 2017
Declaration of Prepared Report	30 August 2017

*Inspection of prisons, court custody centres, prescribed lock-ups,
juvenile detention centres, and review of custodial services in Western Australia*



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