



OFFICE OF THE INSPECTOR
OF CUSTODIAL SERVICES

REPORT OF AN ANNOUNCED INSPECTION OF
ACACIA PRISON

JUNE 2014

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**Report of an Announced Inspection of
Acacia Prison**

Office of the Inspector of Custodial Services
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469 Wellington Street,
Perth WA 6000

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The Inspector's Overview

ACACIA: THE CHALLENGES OF TRANSITION AND OUTSOURCING

Context

This is the report of an announced inspection in November 2013 of Acacia Prison ('Acacia'). Situated off the Great Eastern Highway in Wooroloo, Acacia opened in May 2001 and until 18 months ago, it was Western Australia's only privately operated prison. In November 2012, the Wandoo Reintegration Facility ('Wandoo') for minimum-security males aged 18 to 24 became the state's second privately operated prison.ⁱ

Acacia has been the state's largest prison for most of the past decade, and currently holds just under 1,000 prisoners. However, Hakea Prison ('Hakea') has recently been holding very similar numbers due to an explosion in the number of remand prisoners. More than one in five people in prison is currently on remand, well up from around 16 per cent five years ago. Whilst not directly relevant to Acacia, which houses sentenced prisoners, these figures are alarming.

In the near future, a 387 bed expansion at Acacia will be completed. When this is fully operational, Acacia will have a capacity of around 1,400, making it the largest prison in Australia.

Serco Australia ('Serco') has held the contract for prison services at Acacia (the 'Prison Services Agreement') since May 2006 when it took over from Australasian Integration Management Services (AIMS). Although AIMS had met many of its key performance requirements during its five year contract term, the prison was not meeting its full potential.ⁱⁱ In 2005/2006, the then Labor government considered whether to bring the prison into public management or to re-test the market for a private sector provider. It chose the latter option and Serco was selected.

Although Acacia is privately operated, and the Serco corporate identity is very prominent on-site, the prison is a state asset, and needs to be developed and maintained as such. The maintenance contract is separate from the Prison Services Agreement and has a different contractor, Sodexo Australia Pty Ltd ('Sodexo'). This split has created some problems and although they have been somewhat alleviated since 2011, risks and responsibilities still need to be better aligned.ⁱⁱⁱ

The contract with Serco for prison services ran initially to May 2011. Our late 2010 inspection commended Acacia for its level of service and value for money. The Liberal/National government and the Department of Corrective Services ('the Department') were also very satisfied with Serco's performance and the contract with Serco was renewed for a further five years, to May 2016.

Since taking on the Acacia contract in 2006, Serco has also taken on other major state based contracts for security and custody services. These include the contract for Wandoo (2012) and the Court Security and Custodial Services contract (the 'CSCS Contract'). The CSCS

i The Wandoo Reintegration Facility, a small facility for young men aged 18 to 24, opened in November 2012 at the site of the old Rangeview Juvenile Remand Centre: see Office of the Inspector of Custodial Services (OICS), *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013).

ii See OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 19 (March 2003); *Report of an Announced Inspection of Acacia Prison*, Report No. 32 (March 2006).

iii See [1.30]–[1.35] and Recommendation 2.

contract covers those aspects of prisoner transport that have been outsourced as well as custody and security services at most of the state's courts. The CSCS contract commenced in July 2000 and the initial providers were AIMS. The G4S group took over the contract in August 2007. After a re-tendering process, Serco was selected as the preferred provider and took over in June 2011.

General Performance

Every prison, like every social or business organisation, goes through periods when performance will be better than it is at other times. Acacia is no exception and sometimes our assessments of the prison have been positive and sometimes they have been more critical. Our 2010 inspection was very positive, concluding that Acacia had 'reached a very high base' and that its 'performance is at least equal to the best public sector prisons in the state and in many respects superior.'^{iv}

It is important to emphasise that Acacia has continued its record of never having an escape or a major loss of control. It has also continued to meet the vast majority of its contractual performance measures and to demonstrate innovation and good practice across many aspects of its operations. Notable innovations included the pioneering of Skype technology and the introduction of the Custodial Management System, an electric kiosk system that allows prisoner movements to be tracked and also allows prisoners to track their own appointments, commitments and money.^v

However, even without the expansion project, it was always going to be difficult for Acacia to maintain the levels of performance found in 2010 and we did find slippage. This certainly does not make it a 'failing prison'; it is still performing to a good standard in most areas, but it does mean that there is work to be done to lift performance again.^{vi}

Some of the slippage was occurring because the risks associated with the expansion project were stretching the management team and diverting their energy and time away from current prison operations. Relationships between management and staff had declined. So had the levels of positive prisoner/staff interaction that had previously contributed to strong dynamic security. And several areas had dropped from their very high 2011 levels. For example, health and re-entry services were struggling to meet demand, and some easily remedied problems, such as the need for more computers in the education area, had not been actioned.^{vii} Like almost every other prison, Acacia was also struggling to find sufficient meaningful and constructive activities for prisoners.^{viii} This was not helped by regular custodial staff shortages, some generated by the need to conduct external prisoner escorts. This resulted in staff being cross-deployed from areas such as the gym to cover other areas and to the closure of the gym and some other activities.

I raised these issues with Serco prior to, and during the inspection. They accepted our main concerns and acknowledged that they needed to add more management 'grunt' and

iv See OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) iv.

v See [6.1]–[6.6] and Recommendation 17 and [6.56]–[6.69] and Recommendation 19.

vi See Chapter 10 for a summary.

vii See Chapter 7 and [8.13]–[8.18].

viii See Chapter 9.

experience and to bring forward some of their transition planning for the move to 1,400. I am pleased to report they have already actioned this and we will continue to monitor progress.

Buying in Services and Managing Contracts

Politics

The ‘privatisation’ of custodial services remains controversial in Western Australia. In the last 18 months Serco has come under strong criticism, not only in relation to some events at Acacia itself but more particularly in relation to a number of escapes by prisoners being escorted under the CSCS contract. The Liberal/National government strongly supports a ‘mixed economy’ of public and private sector providers, and appears to be contemplating some additional and alternative contractual arrangements. Although previous Labor governments have not brought custodial service contracts into public management, the current Labor Party has committed to ending at least some of the existing contracts if it wins the next election. For its part, the WA Prison Officers Union (WAPOU) has labelled privatisation a failure and called for all custodial services to be brought under public management.

Our statutory responsibility is to undertake independent assessments of prisons and custodial services; to report to Parliament on issues of security, safety, decency and effectiveness; and to recommend improvements; and to monitor change. We undertake this role irrespective of whether the public or private sector provides the services and over the years we have been both critical and complimentary of Acacia and other prisons. However, although we will not buy in to the politics of privatisation, it is timely to reflect on the principles that underpin effective and mature models of private sector engagement.

Principles

The starting point is that Acacia and Wandoo are state-owned prisons. They are just the two parts of a total system, comprising 16 prisons, where the Department has elected to contract in services. This has several implications in terms of service delivery and total costs:

The Department is responsible for strategic planning across the system and for working out how any privately operated facilities meet the objectives of that system. Unfortunately in recent years there have been deficiencies in the quality of Departmental planning.^{ix}

When the state buys in services, it does not and cannot contract out of its fundamental obligations. The state, as well as the contractor, owes a duty of care to people in custody.^x

The *Prisons Act 1981* and the contract enshrine the principle that some matters cannot be ‘outsourced’ and remain the Department’s responsibility. These include issuing authorisations for contractor staff to work at the prisons, adjudicating in disciplinary charges against prisoners, and providing central direction and support in areas such as access to the Emergency Support Group (‘ESG’) and the accreditation of offender treatment programs.

ix See OICS, *Annual Report for 2012/13* and OICS, *Annual Report for 2011/12*.

x This point was brutally reinforced by the ‘terrible’ and ‘avoidable’ death in 2008 of Mr Ward in a prisoner transport vehicle: see Hope, AN, Record of an Investigation into Death, Ref 9/09, Inquest into the Death of Mr Ward, Coroner’s Court of Western Australia (12 June 2009).

The Department must ensure that it actually receives the services for which it pays and must negotiate hard in areas of dispute. It is able to issue improvement notices to the prison and financial penalties can be imposed for non-performance or under-performance. This report found that the Department has developed intelligent, robust and well-structured contract management processes. Acacia is generally meeting its targets and the contract is being well-monitored.^{xi}

If the contractor is meeting the terms of the contract, but the contract falls short of the required services, the state must address the shortfall. It can do this in one of two ways: negotiate a fee and pay the contractor to do the additional work or cover the shortfall itself.

Intersecting contracts and contract shortfall

The Prison Services Agreement generally works well but services delivered under this contract can be affected by shortfalls in other services. The issue of hospital escorts caused me particular concern in terms of duty of care and contract coverage. It would appear that Serco is delivering the number of hospital escorts and ‘sits’ that it is required to deliver under the CSCS contract (and if it is not the Department has the power to act). However, the CSCS contract does not provide sufficient coverage. This means that prisons must cancel the appointments or cover them with their own staff. When public prisons such as Casuarina^{xii} conduct the escort themselves, they will either shut down parts of their operations to free up staff or will bring in staff on overtime which the Department will need to fund.

Acacia faces two additional problems to those found in public sector prisons. First, it does not have a secure vehicle in which to conduct escorts. Secondly, the Prison Services Agreement pre-dates the current CSCS contract and was drawn up at a time when hospital escorts were more fully covered. Consequently it does not factor in any extra payments to Acacia for such services. The Department suggested to us that Acacia could either cancel the appointments or undertake the escorts and invoice the Department. Acacia had not tested this latter option. In any event, without a secure vehicle its options are limited. The current situation is untenable and high risk in terms of breaching duty of care to patients and the risk of closing parts of the prison to free up staff for escorts. Fortunately the Department has supported our recommendation and promised action.^{xiii} This should benefit all prisons, not just Acacia.

Innovation and cross-fertilization

The aims of establishing a privately operated prison included promoting innovation, efficiencies and cross-fertilization of good practice. Acacia has demonstrated innovation over the years and, as noted earlier, has continued to do so. Over the years, there has been some cross-fertilization but there is still scope for more learning, both from the private to the public sector and from the public to the private sector.^{xiv}

xi See Chapter 1.

xii OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 88 (January 2014).

xiii See [4.13]–[4.20] and Recommendation 11.

xiv See Recommendations 23 and 24.

‘Contestability’

Mature ‘mixed economy’ systems commonly adopt a model that can, rather simplistically, be called ‘contestability’ rather than privatisation. In other words, both the public sector and the private sector bid in competition for certain services. In England and Wales, the public sector has proved itself able to compete successfully, not infrequently outbidding the private sector in terms of quality of services and value for money. As a result, a number of prisons have moved between public and private management. This state now has around 14 years of experience in custodial service contracts and in my view, if the government is considering further outsourcing, it should consider a contestability model as a way to assess the best value for money option.^{xv}

It must be emphasised that ‘value for money’ in this context does not mean the ‘cheapest price’. We are talking about human services, not dishwashers, and contracts for human services will fail if cost becomes the sole driver. The choice of service provider should be based on setting service delivery expectations, ensuring the agreed fee will allow an efficient service provider to meet those expectations, and ensuring that the agreed services are delivered safely, securely and humanely.

However, true contestability does hinge on an ability to assess true costs. This is currently an area of weakness and the subject of significant recommendations in this report.

Costs

The cost of imprisonment (excluding capital expenditure) is usually stated as a cost per prisoner per day. It is a very costly business and in Western Australia the average cost per prisoner per day across the whole system is around \$320 (or \$116,000 per annum).^{xvi} It is obvious that costs will vary widely across facilities, reflecting location, size, age and complexity of functions. For example, the cost per prisoner per day at Acacia should be significantly less than at small regional prisons.

As part of this inspection we explored the issue of Acacia’s total costs with the Department.^{xvii} Unfortunately we are not able to confidently state an overall figure that takes all costs into account. What we do know, and what is on the public record, is what is paid to Serco. In 2012–2013, Serco received around \$48 million under the Prison Services Agreement, or \$132 per prisoner per day. What is far from clear is the amount that it costs the Department to provide its services. In all our previous reports, we have used a figure of 30 per cent of the fee paid to the contractor. This figure was based on advice provided by the Department in 2003. The Department reviews all our draft reports and at no point in the past has it sought to revisit this figure.

xv See also OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) [8.50]–[8.56] and Recommendations 31 and 32.

xvi Department of Corrective Services, *Annual Report 2012–13*.

xvii See [1.19]–[1.29] and Recommendation 1.

For this inspection we asked the Department to provide us with a robust estimate of its costs and details of its methodology for assessing those costs.^{xviii} This proved problematic. Figures were not readily available and varied. The latest figures provided by the Department stated its costs to be far less than previously accepted, only in the region of 13 per cent (or \$17.20 per prisoner per day). If this figure is correct, the total cost per prisoner per day at Acacia is around \$150. However, I am at a loss to explain the drop from the 30 per cent figure that the Department accepted just three years ago to 13 per cent today. Thirty per cent always seemed fairly high but 13 per cent appears rather low.

Overall, on the evidence available to us, there is nothing to suggest that the state is not receiving value for money. However, we will continue to seek further advice from the Department as to its methodology and costs. Importantly, the Department has also accepted our recommendation that it should in future report on its own costs in its annual public reports on the Acacia contract, presumably starting with its 2013-14 report.

The Department has not, however, accepted our recommendation that its annual report, which provides a figure for costs across the system as a whole, should contain information regarding the relative costs of different prisons. It says that annual reports are not the place to discuss 'detailed operations matters' and that 'accountability, compliance and detailed reviews are carried out internally and are subject to examination by the Office of the Auditor General.' I concede that the annual report may not be the right place for such information, but the lack of readily available information in an area as politicised as this leaves the door open to claims of cover-ups or under-estimates. The Auditor General's role is also fairly limited, and does not extend to issues such as value for money and relative costs.^{xix}

Expansion Project Risks

The size of the expansion project at Acacia has to be seen to be believed. Casuarina Prison opened just over twenty years ago with a design capacity of 397, and it was then regarded as a large prison. In those days, establishing prisons of that size meant building on a new site. However, at Acacia, in effect, a new prison is being added inside the perimeter fence of a very large operating prison which already houses many prisoners who pose security and management challenges.^{xx} In scale and complexity, there is certainly no parallel in this state, probably none in Australia.^{xxi}

xviii It would probably be unreasonable to expect an exact dollar and cents figure but it would be reasonable to expect, after 13 years of the Acacia contract, that it would have at its fingertips, a robust methodology and estimate.

xix Advice received from the Office of the Auditor General.

xx Although Acacia is a medium and not a maximum-security prison, fewer than 15 per cent of the state's prisoners are rated maximum-security and around 58 per cent are rated medium security. This means that the medium security category embraces some prisoners who are close to maximum-security as well as some who are close to minimum-security. Acacia's prisoner population is also a complex mix with diverse needs. It includes a large number of 'protection prisoners' who, for safety and security reasons, must be managed separately from the mainstream' population as well as a large contingent of Aboriginal prisoners, many of whom are 'out of country' and come from remote parts of the centre of the state.

xxi See Figure 2 at [2.3].

By mid-2013, prior to the inspection, I was becoming increasingly concerned at risks posed by the expansion project. They included a number of physical and procedural security issues relating to the building site,^{xxii} a lack of alignment between risks and responsibilities, and a less than harmonious relationship between key parties.^{xxiii} The crux of the problem was achieving the right balance between security and project timeliness. By the time of the inspection in November 2013 there were some signs of improvement, and immediately after the inspection I provided advice to the Minister and the Commissioner on the risks. A better balance has subsequently been struck.

Overall, Serco deserves credit for the way it has managed the risks of such a massive project. It also deserves credit for seeing the expansion as an opportunity to improve prisoner rehabilitation, not as a threat. However, as previously noted, the project had also been a serious distraction.

Acacia's Roles in a System that Needs to be Better Aligned

The Department has a key role to play in setting Acacia's future direction. All of the state's prisons are different in character and all perform somewhat different functions but every one of them should be part of a total system. To be effective and efficient, that system must also target 'needs' not just 'bed numbers'.

I have been critical of the Department's performance in regard to planning for need over recent years. The biggest failings relate to women's imprisonment. Sadly, observing the positive opportunities presented by the Acacia expansion drove home the unpalatable contrast between the investment in male prisons over the past five years and the neglect and lack of opportunity in the female prison system, a matter on which I will be reporting shortly.^{xxiv} Other critical areas include remand prisoners, mental health, and young people.

Running through all of these are two common threads. First the state has the highest rate of Aboriginal over-representation in the country (and numbers are rising). Secondly, prison capacity does not align with prisoner security ratings: we have around 2,500 maximum-security beds for around 500 maximum-security prisoners.

At the other prisons where additional accommodation units have been added (primarily Casuarina, Hakea and Albany), they have simply become additional beds. The Acacia expansion offers the opportunity to use the new areas for specific purposes. Ideally this

xxii Around the time of the inspection, there was considerable focus on the fact that a fence had been 'cut'. This was certainly a serious matter but it was discovered quickly. Contrary to the impression created in some reports, the cut was to an internal fence not the perimeter fence. Security improvements followed and security awareness and responsiveness were certainly much sharper than they had been during the redevelopment of the Banksia Hill juvenile detention centre. Serco had also carefully analysed and learned lessons from the two official reports relating to risk management and project management at Banksia Hill (see OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013)); Office of the Auditor General Western Australia, *The Banksia Hill Detention Centre Redevelopment Project*, Report No. 12 (August 2013).

xxiii Part of the problem came from the number of different parties involved, including the Department of Treasury, different sections of the Department of Corrective Services (who did not speak with a single voice), Serco, Sodexo, the builder (Doric), and an array of contractors: see [2.8]–[2.14], [3.1]–[3.5] and Recommendation 4.

xxiv A draft report on women's imprisonment and on the role of Greenough as a prison for women has been sent to the Department for comment. A draft report on Bandyup Women's Prison, the most problematic prison in the state, is currently being finalised and will be sent to the Department in June.

would have been decided before the build because the form of a build should reflect its functions. Acacia does not provide the answer to the state's most pressing issue, women's imprisonment, but the new facilities will allow a focus on some key needs areas, such as mental health, drug and alcohol programs and young people aged 18 to their mid-twenties. Serco is keen to pursue such options and has been asking the Department for direction. It is vital that this happens. The Department has accepted our recommendations in this regard, including establishing performance expectations.

Summary

Acacia plays a critical role in our prison system, accommodating around one in five prisoners. The prison has a good track record and although performance had dropped somewhat from the very high levels found in 2010 it is still functioning to a decent standard and is certainly not the prison that most concerns me.

Whist debates about the merits of public and private sector service provision will continue, the 13 year history of Acacia shows that the private sector, like the public sector is quite capable of operating very good prisons.

Our legislation requires us to report on every prison at least once every three years. However, we are likely to conduct another inspection in late 2015 rather than 2016. This will allow us to assess the new expansion, which will be in operation by then. A late 2015 inspection is also more timely in that it should help to inform decisions by government at the expiry of the current contract in mid-2016.

Neil Morgan

23 May 2014

Fact Page

NAME OF FACILITY

Acacia Prison

ROLE OF FACILITY

Medium security prison for adult males

LOCATION

55 kilometres east of Perth

The traditional owners of the land are the Noongar people.

BRIEF HISTORY

Acacia Prison opened in May 2001. The facility is owned by the Department of Corrective Services and the operation of the prison has been contracted to a private company, Serco. It is the only privately-operated prison in Western Australia.

LAST INSPECTION

31 October 2010 to 12 November 2010

ORIGINAL DESIGN CAPACITY OF PRISON

750

OPERATIONAL CAPACITY OF PRISON

1,007

NUMBER OF PRISONERS HELD AT TIME OF INSPECTION

981

DESCRIPTION OF RESIDENTIAL UNITS

Foxtrot Block	33 assisted care beds and pre-self-care beds
India Block	150 standard beds for newly received prisoners
Juliet Block	128 standard and self-care beds for protection prisoners
Kilo Block	176 standard beds
Lima Block	176 standard beds
Mike Block	176 standard beds
November Block	168 self-care beds

OTHER PRISON BUILDINGS

Oscar Block	Classrooms and offices for education, programs, resettlement, sentence management, peer support and chaplaincy
Hotel Block	Light industry workshops
Romeo Block	Heavy industry workshops

Chapter 1

BUYING IN SERVICES AND MANAGING CONTRACTS

Background/History

- 1.1 Acacia Prison ('Acacia') was Western Australia's first privately managed prison. The prison was originally established in 2001 to improve the management culture of prisons, to reduce recidivism through the introduction of new offender programs, to contain the costs of imprisonment, to encourage innovative approaches to prison management and to promote the cross-fertilization of good practice between the private and government sectors.¹ Western Australia now has a second privately managed prison, the Wandoo Reintegration Facility for minimum-security male prisoners aged 18 to 24.
- 1.2 The two key contractors at Acacia are Serco Australia ('Serco'), which has responsibility for delivering prison services, and Sodexo Australia Pty Ltd ('Sodexo') which has responsibility for the maintenance contract. Three points must be emphasised at the outset:
 - Whilst the state has chosen to 'buy in' services at Acacia Prison from the private sector, it has not, and cannot contract out of its duty of care to prisoners. Prisoners remain, ultimately, the responsibility of the state.² The contractual arrangements and the processes for managing the contract should reflect this and must be robust enough to protect the state's interests.
 - Acacia Prison is part of the total prison estate. Although the state has bought in services, and must encourage innovation, it must also ensure that Acacia does not sit apart and is appropriately integrated into the total system.
 - The prison is still a state-owned asset. It must be maintained and developed as such.
- 1.3 From 2001 to mid-2006, Acacia was managed by Australasian Integration Management Services ('AIMS'). From a contractual perspective, AIMS performed reasonably well. There were no escapes or serious loss of control and AIMS was meeting most of its performance measures. However, inspections undertaken by this Office revealed underlying issues including a rather unstable management structure, concerns with staffing levels and qualifications and questionable service delivery in some areas.³ These issues, coupled with significant incidents involving AIMS court and transport services, influenced the then Labour government's decision not to renew the AIMS contract but to test the market again. The government did consider turning Acacia over to be operated by the public sector but decided against this and did not solicit formal bids from the public sector.
- 1.4 In 2006, Serco was awarded the Acacia Prison Services Agreement for an initial period of five years. The state has the option to renew every five years up to a total maximum of 15 years. The first inspection under Serco management in 2007 concluded that the change of operators was a positive move and Acacia was 'on the cusp of becoming a very good prison'.⁴

1 Office of the Inspector of Custodial Services (OICS), *Report of an Announced Inspection of Acacia Prison*, Report No. 19 (March 2003).

2 The most telling example of this was the death of Aboriginal elder Mr Ward in the back of a transport vehicle. For further consideration of how duty of care issues can sometimes sit uncomfortably in contracted services, see [4.13]–[4.20].

3 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008).

4 *Ibid*, iv.

- 1.5 The 2010 inspection report commended Serco for delivering high quality service, value for money and innovation. Comparisons between prisons are fraught with difficulty as each one is different in terms of size, physical design and prisoner profile. However, the 2010 inspection concluded that Serco's management of Acacia was 'at least equal to the best public prisons in the State and in many respects it is superior'.⁵ The current inspection, conducted in November 2013, marked the fifth inspection of Acacia, and the third under Serco management.

Managing and Monitoring the Acacia Prison Services Agreement

- 1.6 The Acacia Prison Services Agreement ('the Agreement') is worth close to \$48 million per year. Importantly, the contract is publicly available.⁶ It is managed by the Department of Corrective Services ('the Department') which issues its own annual public report on the contractor's performance. No such reporting occurs for any other prison.⁷ During Acacia's history, the Department's annual reports have generally been positive, and the 2012–2013 report was particularly complimentary.
- 1.7 The Agreement obligates Serco to manage Acacia in line with nearly 90 specific operational service requirements. These requirements relate to custody and containment, care and wellbeing of prisoners, rehabilitation and reintegration, reparation, business systems, human resources and occupational health and safety. The Department manages the contract in line with its high-level, principle based *Custodial Contracts Monitoring Framework*.
- 1.8 In every contractual arrangement, especially one requiring the provision of safe, secure and humane human services, it is vital to have appropriate monitoring. A team of monitors from the Department oversees Serco's contractual compliance on-site and observes the performance of those working at Acacia. The monitors perform an integral function and have essentially been acting as the 'eyes and ears' of the Department since commencement. However the 2010 inspection identified that, while the monitors provided a valuable service, they had begun reporting on relatively minor, operational issues rather than focusing on contractual compliance. This Office interpreted this as a sign that the contract was running smoothly and without any major concerns.
- 1.9 Since the 2010 inspection, the role of the monitors has been redesigned and a new site monitoring plan introduced. The plan includes a risk-based framework which provides a more targeted approach to monitoring Serco's compliance. This allows the monitors to focus more on areas of higher risk while minimising testing on areas that rarely change (such as weekly reviewing of the Director's Rules). At the time of the 2013 inspection, the new site monitoring plan had only been in place for two weeks. It was too early to assess the effectiveness of the new plan but it appeared to be a positive move towards the efficient use of monitoring resources.

5 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011).

6 <http://www.correctiveservices.wa.gov.au/about-us/business-with-us/tenders-contracts/acacia-prison-contract.aspx>

7 <http://www.correctiveservices.wa.gov.au/about-us/statistics-publications/acacia-annual-report.aspx>. Other contracted services, including those provided under the Court Security and Custodial Services contract and the Wandoo Reintegration Facility are also subject to annual public reports by the Department.

- 1.10 During the inspection, and in the pre-inspection surveys, Acacia management, staff and prisoners expressed their appreciation for the contribution the Departmental monitors have made to the successful running of the prison. Considerable disappointment was expressed about the recent reductions in the on-site monitor presence under the new site monitoring plan. It was surprising to hear this, as one would expect that most companies would be pleased to be monitored less. Common concerns were that the service level at Acacia may begin to slip without such robust monitoring and that there will be too little monitoring on weekends and after hours. These fears may be over-stated but given the plan is reasonably new, it must be regularly reviewed to ensure that it provides an effective approach to monitoring contract compliance, including appropriate coverage for higher risk activities and times.

Incentives and Penalties

- 1.11 Under the Agreement, the contract manager from the Department manages a suite of incentivised performance targets. In essence, a proportion of the contract fee is withheld and is paid to Serco only if the prison achieves set performance targets. The additional payments are known as Performance Linked Fees ('PLF's). The total value of the PLFs is five per cent of the total contract value, currently close to \$2 million per year. Obviously, there are no equivalent incentives in public sector prisons.
- 1.12 In 2012/13, Serco met all but one of their PLFs and significantly underperformed in the area requiring 'more than 90 per cent of prisoners [to be] involved in a structured activity for at least 30 hours per week'.⁸ In July 2013, the performance targets were reviewed, and some revised. The aim was to encourage continuous improvement, to 'raise the bar' for some measures, and to reflect the fact that Acacia is now housing more prisoners than it was originally designed to hold. The PLF regarding structured activity has been removed and replaced with a more achievable objective. The new PLF is based on the percentage of prisoners employed compared with employment positions available. This is not without its problems as it has led to the working day for most prisoners being further reduced.⁹
- 1.13 The previous and revised PLFs are set out in the table below. As it shows, other significant new measures include the requirement to offer counselling to prisoners who test positive to drugs, requirements relating to the management of at-risk prisoners, and stronger targets with respect to basic adult education programs and medical care plans for prisoners upon release.

8 Acacia Performance Linked Fees Data, 2012/13 Annualised Percentage Achievement. The prison achieved only 30 per cent.

9 Discussed further in Chapter 9.

BUYING IN SERVICES AND MANAGING CONTRACTS

Acacia's Performance Linked Fees: Old and New

Previous Performance Targets	Revised Performance Targets (from July 2013)
Less than six serious assaults on staff, prisoners and others as a proportion of the prison population band.	Less than six serious assaults on staff, prisoners and others within an operational year.
Less than six prisoners committing an act of serious self-harm (including attempted suicide) as a proportion of the prison population band.	Less than six prisoners each committing one or more acts of serious self-harm or attempted suicide within each operational year.
More than 95 per cent of incident reports completed accurately in accordance with requirements.	More than 95 per cent of incident reports completed accurately and in accordance with the prescribed Department of Corrective Services requirement(s) (e.g. Policy Directive 41).
Less than 10 per cent of random urine sample tests identifying a positive urine sample result.	Less than 10 per cent of random urine sample tests identifying as positive.
No equivalent	More than 95 per cent of prisoners who provide a positive urine sample are offered support within one week of being found guilty of testing positive to an illicit substance (<i>Prisons Act 1981 s70</i>).
More than 90 per cent of agreed Custodial Officers.	No equivalent
More than 95 per cent of prisoners' sentence planning documents are reviewed in accordance with their scheduled review date.	More than 95 per cent of prisoners' sentence planning documents are reviewed and approved in accordance with their scheduled review date and in accordance with the current Department of Corrective Services requirement(s) (e.g. Adult Custodial Rule 18).
More than 95 per cent of prisoners whose program requirements approved in the Individual Management Plan (IMP) are delivered as scheduled.	More than 95 per cent of prisoners whose program requirements as approved in the prisoners Individual Management Plan (IMP) are delivered as scheduled and Program Treatment Reports completed within six weeks of the course completion.

BUYING IN SERVICES AND MANAGING CONTRACTS

Previous Performance Targets	Revised Performance Targets (from July 2013)
More than 95 per cent of prisoners whose education and traineeship requirements, as approved in their IMP, are delivered as scheduled.	More than 95 per cent of prisoner traineeships filled.
Visits between the prisoner, family, friends, prospective employer, community financial agencies and any other relevant group should occur in excess of 95 per cent of the prison population band.	No equivalent
No equivalent	More than 95 per cent of prisoners who have engaged in a Department of Corrective Services Adult Basic Education (ABE) course after receiving 'C' or 'D' scores on their literacy assessment following their sentencing.
More than 95 per cent of prisoner grievances are processed in accordance with approved processes.	No equivalent
No equivalent	All prisoners identified at risk that are managed by PRAG in accordance with the Department of Corrective Services At Risk Management System (ARMS) Manual.
More than 90 per cent of prisoners are engaged in a structured activity for no less than 30 hours per week.	More than 95 per cent of prisoners employed compared to the number of employment positions available.
More than 90 per cent of the Aboriginal prisoner population receiving Aboriginal specific health education.	More than 95 per cent of prisoners identified with diagnosed chronic disease, substance dependency or mental health issues provided with a relevant medical discharge plan prior to release.

1.14 While the new PLFs have only been in place for a short time, preliminary data suggest that Serco are on track to achieve 100 per cent for nine of the 12 measures but may fall short on three unless performance improves over the remainder of the financial year.¹⁰

¹⁰ The data this Office received was only preliminary but suggested that Acacia were not on track to reach their PLFs relating to incident reporting, offering support for prisoners returning positive urine samples (due to lack of support options), and offering prisoners a medical discharge plan. Since writing this report, the Office has received further data confirming that Acacia are on track to meet the PLFs relating to incident report and medical discharge plans.

- 1.15 As well as rewarding good performance, the Agreement also penalises inadequate performance. It enables the Department to issue Serco with Performance Improvement Requests when contractual obligations are not met. Performance Improvement Requests are designed to encourage the prison to improve service delivery in any areas of concern. In the three years since the last inspection, Serco received six Performance Improvement Requests for:
- Failing to report an incident;
 - Unclear processes regarding the collection of prisoner urine samples; and
 - Other incidental reasons.
- 1.16 The Department can issue financial abatements if certain ‘Specified Events’ occur or if Serco does not adequately address a Performance Improvement Request. Abatements can also be issued for:¹¹
- An escape (\$100,000);
 - A loss of control (\$100,000);
 - A death in custody other than from natural causes (\$100,000); and
 - A failure to report to the Department when required, or reporting misleading information (up to \$20,000).
- 1.17 In the three years since the last inspection, Serco have been issued five abatements totalling just under \$90,000 at Acacia. Three of the abatements were for reporting failures and two were for officers taking keys off-site. Both of these issues also occur from time to time at other custodial facilities. At the time of writing this report, the Department was also in the process of issuing an abatement for a death in custody that occurred in March 2013.

Innovation

- 1.18 The Agreement offers Acacia up to an additional \$250,000 each year as an innovation bonus. For an idea to be classed as innovative, Acacia needs to show that their proposal is more than what the Department expects them to deliver from the contract. Specifically, the Department is looking for a new or varied system, procedure, technology or product that will decrease the cost of providing services or improve the operation or management of the prison.¹² In each case, the innovation should be transferable across other prisons. Examples of innovation will be discussed in the relevant sections of this report. The most tangible example is the Custodial Management System (‘CMS’).¹³

11 Each amount is adjusted annually for CPI increases.

12 Acacia Service Agreement, clause 15.2 ‘Innovation Bonus’.

13 See Chapter 6.

Costs: Prison Services Agreement and Department Overheads

- 1.19 In 2012–2013 the state paid Serco around \$48 million under the Prison Services Agreement.¹⁴ The cost of imprisonment is usually measured as a cost per prisoner per day. It is very difficult to precisely cost individual prisons but assuming that the Agreement costs the state \$48 million per annum, and that the prison has an average daily prison population of 995, Serco is receiving around \$132 per prisoner per day.¹⁵
- 1.20 The amount paid annually to Serco is therefore quantified and publicly known. However, this is not the full cost. As Acacia is just one privately operated part of a total prison system, the total amount must factor in the Department's costs in relation to the prison. Some of these costs involve services that are provided specifically to Acacia, including contract management and monitoring. These costs should be readily quantifiable and the Department advised that they currently stand at around \$550,000 per annum (around 1% of the contract costs). However, other costs involve services that are provided centrally not only to Acacia but also to other correctional facilities. Examples include the Emergency Support Group and the accreditation of treatment and educational programs. A third component is the Department's overall 'corporate' costs.
- 1.21 It is difficult to precisely quantify and disaggregate these last two sets of costs, not only at Acacia but also at other prisons and Detention Centres. It might therefore not be reasonable to expect the Department to provide a precise amount in dollars and cents, and costs are likely to vary somewhat from year to year. Nevertheless, the Department has now been managing the Acacia contract for 13 years and it would be very reasonable to expect that it would have, at its fingertips, a methodology to broadly assess costs and a robust, quantified estimate. Without this information, the Parliament, the Minister, the public and this Office cannot be confident of the real cost. In an area as politicised as this it also opens the door to claims of cover-ups or under-estimates.
- 1.22 In 2003, in the early days of Acacia, the Office asked the then Ministry of Justice¹⁶ to provide an assessment of its costs. The figures were not readily available but the Ministry claimed it was spending around 30 per cent of what was being paid to AIMS. This seemed a high figure but in the absence of other figures, the 2003 report and subsequent reports by this Office have used this ballpark figure. That figure has not been questioned by the Department at any time.¹⁷

14 <http://www.correctiveservices.wa.gov.au/about-us/statistics-publications/acacia-annual-report.aspx>. Advice provided to the inspection put the figure at closer to \$46 million, reflecting some differences in accounting.

15 995 prisoners x 365 days = 363,175 prisoner days per annum. \$48,000,000/363,175 = \$132.17 per prisoner per day. This figure is probably an over-estimate as the average daily population is slightly more than 995 and the amount paid under the contract is slightly less than \$48 million.

16 The Department of Corrective Services was a part of the Ministry of Justice until 2006.

17 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 19 (March 2003) 57–58; OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) 6–7; OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) 9. The Department always has the opportunity to comment on draft reports.

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- 1.23 However, prior to this inspection we decided to revisit the issue and requested updated information. We were not provided with a methodology or a precise figure but the Department did indicate that its total costs were now in the region of 15 per cent of the amount paid to Serco. If this is correct, it would equate to almost \$7.2 million per annum or around \$19.80 per prisoner per day.¹⁸ If the Department's costs are 15 per cent, the total cost per prisoner per day at Acacia excluding maintenance would be in the region of \$155.
- 1.24 As this report was being written we requested further information from the Department as to its costs and its methodology. It supplied a spreadsheet which itemised a number of expenses and set the total at 13 per cent, or around \$17.20 per prisoner per day.¹⁹ As stated earlier, it would not be reasonable to expect a precise dollar and cents figure for the Department's costs, but it should be possible to provide a robust estimate. There is a large gap between the figures previously provided or accepted by the Department and we will continue to seek advice on the methodology and figures.
- 1.25 Understandably, people often ask not only about the total cost of Acacia but about the relative costs of public and private sector prisons. This is a very difficult comparison to make. The figure of \$155 per prisoner per day for Acacia certainly sits well below the average cost per prisoner per day across the state, which was \$317 in 2012–2013.²⁰ However, it is important not to make simplistic comparisons. First, all prisons are different and all serve different purposes. Acacia has some significant advantages in terms of its location (relatively close to Perth), its size (which brings economies of scale), and the fact it is relatively new. Small regional prison will always be more expensive. Secondly, the real issue in terms of 'value for money' is not the dollar cost but the quality of services received. Thus, if a contractor provides a cheaper service than the state but does not provide adequate quality of service, the state is not getting value for money and the contract should be ended. Equally, if the contractor's services cost the same as the public sector but the contractor provides a higher quality service, the state is getting better value for money.
- 1.26 Reflecting on value for money, the Department's 2012–2013 Annual Report on the Acacia Prison Services Agreement concluded:²¹
- Serco continues to deliver a high standard of service and value for money to the State. The prison continues to set and meet the highest benchmarks in the areas of duty of care, safety, prisoner and staff interaction, and a range of initiatives designed to better prepare prisoners for release.
- 1.27 This report of our inspection presents a less 'glowing' picture and highlights a range of issues and concerns that the Department has not identified in its annual reports. However, there is nothing in our overall findings, or in the information that is available on total costs, to suggest that the state is not receiving value for money.

18 Fifteen per cent of \$48 million = \$7.2 million. $995 \text{ prisoners} \times 365 \text{ days} = 363,175 \text{ prisoner days per annum}$. $\$7,200,000/363,175 = \$19.83 \text{ per prisoner per day}$. Maintenance contract costs are separate but are around \$2.80 per prisoner per day; see below.

19 13 per cent of \$48 million = \$6.24 million. $\$6.24 \text{ million}/363,175 \text{ prisoner days} = \$17.18 \text{ per prisoner per day}$.

20 Department of Corrective Services, *Annual Report 2012–13*. This figure covers all prisons, including Acacia.

21 Department of Corrective Services, *Acacia Prison Services Agreement Annual Report 2012–13*, 8.

- 1.28 In order to assess value for money, it would, of course, be open to government in 2016 to ‘test the market’ once more rather than extending the current contract. If a future government does decide to do this, this Office would recommend that the public sector be allowed – perhaps even required – to bid. This would mark the system as having matured to one of true ‘contestability’. In the UK, which has a somewhat longer history of privatisation, contestability is now quite common and the public sector has proved itself able to compete successfully.²²
- 1.29 In summary, whilst political controversy surrounds the costs of outsourcing custodial services, this Office is unable to provide a clear, validated total costing. But this is not because of outsourcing: what is known is the amount paid to Serco. In the interests of transparency and accountability, more needs to be publicly reported about the Department’s costs, how they are calculated, and the relative costs of different facilities.

Recommendation 1:

- (a) *The Department’s annual reports on the Acacia Prison Services Agreement should include a robust estimate of the costs it incurs in relation to Acacia Prison and an explanation of how these costs are calculated; and*
- (b) *The Department’s main Annual Report should provide an outline of the relative costs of different prisons, not merely an average cost across the whole system.*

Acacia Prison Maintenance Agreement

- 1.30 The maintenance contract for Acacia Prison is managed separately from the Services Agreement. Unlike the Prison Services Agreement, which has a five-year cycle, the maintenance contract runs for 20 years. It has an annual value of around \$830,000, plus CPI adjustments. The contract has been managed by Sodexo since 2009. Prior to that it was managed by AIMS.
- 1.31 At the time of the 2007 and 2010 inspections, the maintenance contract was a major concern for this Office. The structural arrangements, administrative complexities and risk management responsibilities surrounding the maintenance contract highlighted significant threats to the successful management of Acacia Prison. There was also concern that the value of the contract was too low. However, despite the difficult contractual framework, all parties have shown goodwill in liaising to improve maintenance standards over the past few years.
- 1.32 At the time of the inspection, there were eight maintenance staff and six prisoners working on the maintenance of the prison. However with limited budget and resources, Sodexo claim that they have essentially only been able to provide reactive rather than preventative maintenance.

²² See also OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013) 126–127 and Recommendation 32.

- 1.33 Unfortunately, issues and disputes are also still occurring and stakeholders still sometimes disagree over ownership of responsibility. For example, during the inspection, the prison was experiencing problems with the garden reticulation system. The system was not functioning correctly and this was affecting the safety and usability of the oval and other grassed areas. There was a disagreement between the Department, Sodexo, Serco, and Doric (the expansion contractors) about the cause of the fault and who was to cover the cost of repairs. This caused unnecessary delays in repairing the system which, in turn, was impacting on prison operations.



Figure 1: The poor state of the grassed area as a result of the expansion and the reticulation system not working.

- 1.34 Similarly, in the three months leading up to the inspection, this Office received numerous complaints from both prisoners and staff about the lack of heating and air flow throughout the accommodation and administration blocks. The Department confirmed that a new heating, ventilation and air-conditioning system was being installed under the maintenance contract. During installation, issues were discovered with the gas ignition and pressure, which led to the system being shut down for safety reasons. For the heating system to work again the gas farm required upgrading, however the development was significantly delayed due to disputes between Serco, Sodexo and the Department over who was responsible for taking on the required Dangerous Goods Licence.²³ During this time, prisoners and staff were forced to live and work in cold temperatures, with prisoners going to the extreme measures of leaving gas cooktops on during the day in an attempt to warm their units. To alleviate the cold and discomfort, staff relied on portable electric

23 OICS Acacia Liaison Visit Notes (June 2013) and Independent Visitor report (July 2013).

heaters to warm their offices, while an additional 1,000 blankets, at a cost of approximately \$33,950, were distributed to prisoners.²⁴

- 1.35 The Acacia Prison Maintenance Agreement with Sodexo is subject to significantly less effective monitoring and contract management than the Acacia Prison Services Agreement with Serco. This is primarily due to the dated and poor construction of the maintenance contract itself. It is lacking a number of features that would enable more effective contract management and that would likely be present in more modern contracts. Under the contract, Sodexo is required to maintain the prison and the prison equipment in substantially the same state of repair and condition as the prison building and the prison equipment were in on the date the contract commenced. However, it lacks any detailed description of the maintenance that Sodexo is required to perform, and does not contain any performance measures or targets. The maintenance must be performed for a fixed fee, and that fee is generally acknowledged to be rather low, and there are no additional fees available as performance incentives. In addition, when Sodexo and the Department disagree about the maintenance services, the contract has complex dispute resolution procedures which are both time consuming and costly. In the near future, a contract variation will need to be implemented to enable Sodexo to undertake maintenance on the new facilities. Both Serco and Sodexo have expressed a desire for the variation to provide improved clarity and to introduce Key Performance Indicators into the contract, ensuring performance expectations are clear for all stakeholders.

Recommendation 2:

The Department should progress variations to the Acacia Prison Maintenance Agreement so that performance expectations are clear to all stakeholders, and contractor performance can be more effectively managed.

24 OICS Independent Visitor report for Acacia Prison (July 2013).

Chapter 2

THE 387 BED EXPANSION PROJECT

The Expansion Project

- 2.1 Acacia is already the largest prison in Western Australia with a population capacity of 1,000 medium security prisoners. It is currently in the midst of a \$126 million expansion project that will deliver an additional 387 medium security beds, taking capacity to almost 1,400. This project forms part of the government's \$650 million prison expansion program, along with the construction of a new 350 bed prison at Eastern Goldfields, the construction of the new 150 bed West Kimberley Regional Prison and a Fast Track Prison Accommodation project that saw an additional 640 beds added to Albany, Casuarina and Hakea prisons.
- 2.2 The objectives of the Acacia expansion project are:²⁵
- To provide additional metropolitan prison beds for the current prison population to reduce overcrowding in the system across the State.
 - To provide safe, secure and contemporary custodial services designed in a way that contributes to community safety and reduces long term recidivism.
 - To improve the capacity of the prison system to provide integrated programs designed to meet the needs of the prisoner population.
- 2.3 The expansion project was designed to increase capacity by extending both self-care and non-self-care accommodation. Plans for additional supporting infrastructure were incorporated to support the increased prisoner population. They included a new gas farm and waste water treatment plant, an upgrade to the medical centre, kitchen, laundry and gatehouse, a new vocational training facility and hospitality training area, an expansion of the heavy industries workshops, education facility, gymnasium and staff training facilities, a new external store and more car parking bays.



Figure 2. Artist rendition of completed expansion project

25 Acacia Prison, *Capital Works Review*, document prepared specifically for OICS Inspection.

- 2.4 The size of the Acacia expansion project has to be seen to be believed. It is of a scale and complexity that has no parallel in Western Australia. The original design capacity of Casuarina Prison was 397 and, in essence, the same capacity is currently being added within the perimeter fence of a large, operating medium security prison which houses some prisoners who pose significant security challenges.
- 2.5 There are three zones to the build: work outside the prison's secure perimeter; work within the perimeter but in a separately managed building zone; and work inside the existing operating prison. The majority of the work was being undertaken in the separately managed building zone. As shown by the following plan, this zone comprises around a third of the area inside the perimeter. It is separated from the operating prison by a combination of existing buildings and an internal demarcation fence.
- 2.6 The total 'internal' boundary extends around most of three sides of the site and meanders in a complex trail. Generally speaking, the demarcation fence is a chain link fence topped with razor wire. It is not bolstered by electronic detection systems and CCTV coverage was not fully available at all parts of the barrier.²⁶
- 2.7 By comparison, the new units at Hakea Prison (256 beds) were constructed outside the perimeter and the new units at Casuarina Prison (256 beds) and Albany Prison (128 beds) were constructed in more clearly defined and discrete parts of the sites. All these builds were relatively incident-free. However, the addition of new units at Banksia Hill Detention Centre where, as at Acacia, the build was directly adjacent to operating spaces, was fraught with security breaches, incidents of serious disorder and project delays. These problems were not adequately addressed as they arose and proved to be major contributors to a serious riot on 20 January 2013.²⁷

Roles and Responsibilities for Security During the Build

- 2.8 Given the cost of the Acacia expansion, it was deemed by the government as a 'strategic project' and control was delegated to the Strategic Projects division of the Western Australia Department of Treasury ('Treasury'). Treasury, together with the Infrastructure Services Team and Contract Management Team at the Department of Corrective Services, made up the voting members of the Project Control Group (PCG). The group was responsible for making decisions with regards to the build. Other stakeholders, including Serco and the builders (Doric) are invited to attend the fortnightly meetings as non-voting members, and can use the forum to raise concerns.
- 2.9 During the expansion project, Serco's primary concern is the management of the current 1,000 bed prison. However, the project brief clearly stated that Serco also had the authority for security matters and anything that would affect prison operations during the build.²⁸ While Serco were not involved in the original formal tender or assessment process, they were invited to contribute to the extension planning process and were able

26 See also Chapter 3.

27 OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013).

28 Department of Treasury, *Acacia Prison Expansion Project – Volume 3 Project Brief Part D Security Requirements* (August 2011).



Figure 3: The internal construction site

to influence the shape and future plan for the prison while maximising the service delivery for prisoners. During the process Serco argued for, and successfully secured, a new vocational training area that would provide more opportunities and meaningful activities for prisoners.

- 2.10 As the agency responsible for security during the build, Serco had significant input into the builder's security plan for the project. The security plan is the key governance document for assigning and managing security standards and responsibilities during the expansion.²⁹
- 2.11 Importantly, Serco took proactive steps to learn from the riot at Banksia Hill and from the reports of this Office and the Auditor General. Using the findings from these reports,

²⁹ Serco's designated authority for expansion security matters falls out of the original Acacia Prison Services Agreement that the Department has with the company.

Serco compiled a 'lessons learned' document to identify similar potential risks associated with a live build inside an operational prison.³⁰ Serco was certainly taking a far more rigorous and realistic approach to security than Banksia Hill had done. The Serco senior management team at Acacia was engaged with the project and demonstrated a strong commitment to physical, dynamic and procedural security.

- 2.12 The Department's 2012–2013 report on the Acacia Prison Services Agreement concluded that the expansion project was 'being managed well through an inter-agency Project Control Group.' However, the inspection team found there were in fact significant problems in terms of relationships and responsibilities. In the early stages of the project there were some communication difficulties, particularly with regards to who was responsible for making decisions at operational levels and these were generating risk. For example, when Serco had security concerns, there was no single point of contact responsible for addressing them. As a result, Serco was unsure whether they should take their concerns to Treasury, the Department's contract manager, the Department's Infrastructure Services team, Doric, or the Project Control Group. The situation eased somewhat when Doric appointed a manager on-site with the authority to make decisions. The Department appointed a liaison officer to work on-site and act as an interface between the builders and the Acacia Assistant Director responsible for coordinating security for the project.
- 2.13 During the inspection, however, it became clear that there was still tension between expansion representatives from the Department, Serco, the builders and Treasury. Although the governance framework gave Serco the final say on all security matters relating to the project, there have been situations where this was challenged, negotiated or ignored. Serco, being a private company, were seen to be incorporating an additional level of corporate risk into their security planning and both the Department and Treasury felt, at times, that this was causing unnecessary delays. The tension was compounded by the notification timeframe Serco required from contractors to conduct priority works. With the prison still operating to regular routine, Serco required at least four days' notice before scheduling work inside the perimeter. This could be difficult for the builders to achieve, because they regularly hired contractors who could not always confirm the exact date that they could be onsite. These disagreements created operational and relationship risks, undermined the authority of the project's governance systems, and limited the ability of the state to enforce its contractual arrangements with Serco.
- 2.14 Equally concerning was the confusion that seemed to surround the contractor's security clearances and safety inductions. The Department was responsible for submitting and processing each contractor's National Criminal History Record Check (NCHRC), a process which takes around six to eight weeks to complete.³¹ As part of the application process, contractors were required to provide identification and disclose any criminal history information. This Office was told that while waiting for clearances, contractors could work onsite with a temporary clearance, which is essentially permission by the

30 Acacia Prison: *Banksia Hill Detention Centre Redevelopment Project, Lessons Learned*, (September 2013).

31 Department of Treasury and Department of Corrective Service, *Acacia Prison Expansion, Security Management Plan*, section 2.1.2 Security Clearances.

Department to work while their application was pending. This resulted in some contractors working on the project being removed from the site when their NCRHC was returned and they were deemed unsuitable. By October 2013, 1,222 building contractors had applied for a NCRHC. Of these, 917 had been cleared, 281 were on temporary permits and 23 were found to be unsuitable.³² At one point it was discovered that a contractor who had been working onsite was, in fact, an ex-prisoner. This contractor was subsequently removed from the building site.³³

- 2.15 The Department also expected all contractors to be trained to work in a prison environment before commencing work onsite. Serco, responsible for expansion security, were running Prison Induction Training (PIT) sessions fortnightly, meaning that some contractors had to wait up to two weeks before being permitted to commence work. This was addressed when Serco began running safety inductions daily.

The Expansion Journey So Far

- 2.16 The original expansion project was premised on there being three distinct stages to the build: Stage 1, work outside the prison; Stage 2, work in the site between the perimeter and the internal management boundary; and Stage 3, work inside the operating prison. The intention was to minimise the impact on the prison and ensure that the works would be performed safely and securely while the prison continued to operate normally.
- 2.17 However, once the project began, Treasury and the Department approved the builder to work on all three areas simultaneously in order to achieve a project completion date of 2014 instead of 2015. This decision impacted on Serco's security planning which had been premised on providing security across each stage of the build independently. In addition, Serco had only been allocated a proportion of funding in 2014 to provide security across the first two stages of the expansion, with more funding set aside for 2015 when the third stage was originally planned to commence.
- 2.18 Once the new building schedule was confirmed, however, Serco quickly received approval for additional funding for Operational Support Officers (OSOs) to provide security across all three areas of the expansion. OSOs perform security duties for the expansion but are not permitted under the *Prisons Act 1981*, to perform the custodial functions of a prison officer. As the expansion project had originally budgeted for custodial officers to provide security for the building site, the introduction of OSOs resulted in considerable financial savings for the project.³⁴
- 2.19 As the building works commenced, structural problems inside the existing prison were uncovered. At times it was unclear whether they were pre-existing structural problems or a result of the building works. This left stakeholders uncertain who was responsible for repairing the damage, so often it would be left untreated. For example, there was a leaking water pipe for which neither Sodexo nor the builders were accepting financial responsibility. The water was still leaking throughout the inspection period, which eventually resulted in Serco being responsible for paying the water bill.

32 Doric Contractors' Information as at 22 October 2013, provided by the Department of Corrective Services.

33 The Office is aware of similar risks and breaches having occurred at other prison sites.

34 Acacia Prison, *OICS Written Submission, Announced Inspection Acacia Prison* (16 October 2013).

- 2.20 A large new store has been constructed outside the perimeter fence. The building is impressive and designed to accommodate both prisoner property and general storage for the prison. Serco originally proposed staffing the store with minimum security Section 95 prisoners, a proposal which lends itself extremely well to providing prisoners relevant employment-related skills in areas such as warehouse management.³⁵ The store was constructed with this in mind and includes amenities for prisoners, but Serco’s proposal was rejected by the Department. Instead, the Department wanted Acacia to transfer all minimum-security prisoners to minimum-security prisons, to free up medium security beds.³⁶
- 2.21 At the time of the inspection, the external store was empty. This presents a real dilemma: obviously minimum-security prisoners should, where possible, be in minimum-security prisons. But unless the decision is reversed, no prisoners will be eligible to work in the external store or to benefit from its training opportunities. There is no simple solution to the dilemma³⁷ but it needs to be resolved. Otherwise an asset is being wasted.
- 2.22 A number of expansion areas inside the prison were completed by the time of the inspection, the most impressive being the new industrial training kitchen that was built in place of the old internal store. The kitchen will eventually deliver more prisoner employment opportunities and will provide prisoners with the skills and training to work in the hospitality industry.
- 2.23 Unfortunately the kitchen, like many other areas completed as part of the expansion, cannot be used until Acacia employ more staff. According to the contract, Acacia’s staffing allocations are dependent on prisoner numbers, meaning that Acacia are unable to hire more staff until the prisoner population increases.

Recommendation 3:

Ensure that the opportunities presented for prisoner employment and training by (i) the new external store and (ii) the industrial training kitchen are utilised at the earliest opportunity.

Expansion of Health Care Services

- 2.24 The medical centre at Acacia provides general medical services to prisoners as well as dispensing pharmaceuticals to around 320 prisoners per day.³⁸ The medical centre is cramped and the current dispensing area opens into the health centre reception area.

35 Section 95 of the *Prisons Act 1981* states that prisoners can be involved in external activities for the promotion of their wellbeing and rehabilitation. There are a range of activities prisoners can participate in to assist with their reintegration into the community. Examples include education activities, community work, paid employment, recreational activities and counselling.

36 Acacia previously kept minimum-security prisoners at Acacia while waiting for a bed at places such as West Kimberley Regional Prison. This practice changed after Hakea and Casuarina prison required the medium security beds in September 2013. The remote and regional minimum-security prisoners from Acacia were transferred to Perth minimum-security prisons to wait for regional beds.

37 The nearby Wooroloo Prison has a large number of minimum-security prisoners who are approved for section 95 activities and some of them already undertake work at other state prisons (for example, maintaining the grounds outside Bandyup Women’s Prison). However, section 95 prisoners are not currently able to work for companies: they are basically restricted to undertaking work on behalf of state or local government or charitable bodies or community-based projects. Alternatively, funding can be sought to staff the store with paid employees.

38 Department of Treasury, *Acacia Prison Expansion Project – Volume 3 Project Brief Part A Functional Brief* (August 2011).

This, as noted in the 2010 inspection report, hampers medication management:

Prisoners often mill around the area making supervision difficult and conditions in the dispensary are cramped; moreover, the number of prisoners in the centre and the general congestion also poses a security risk.³⁹

- 2.25 The original expansion proposal included a budget of \$300,000 to expand the medical centre. However Serco soon realised that such limited spending on the medical centre would not sufficiently cater for the expected prisoner population of 1,400. The project steering committee agreed and, after some adjustment was made to the initial expansion plans, the builders submitted a new proposal for \$1 million to extend the health centre. This quote was way over the original budget and the expansion of the medical centre was therefore withdrawn entirely from the expansion project with the intention of it being established as a separate project. At the time of the inspection, Serco were in the process of scoping plans for the medical centre upgrade, in anticipation for it to be put out to tender again.

Timeframes and Defects Periods

- 2.26 Although the build is likely to be complete in mid-2014, the Department and Serco told us at the time of the inspection that the population was not scheduled to increase until 2015. This presented the risk that, unless current prisoners were transferred to these units and existing units closed, the new facilities could remain vacant for at least 12 months. This meant that the 12-month defect warranty period could expire before full occupancy or 'real life' testing could occur.
- 2.27 More recently there have been indications that the population expansion may be expedited but the scope and pace of this, if it happens, is yet to be confirmed.

Post-inspection Advice to Government

- 2.28 Prior to, and during the inspection, the Inspector became increasingly concerned at the risks generated by the expansion project. These included security issues (discussed further in the next chapter), the lack of clear alignment between risks and responsibilities, the less than harmonious relations between some of the key parties, and the degree to which the project was diluting Serco's focus on the existing prison. These factors led to the Inspector providing advice to the Minister for Corrective Services and the Commissioner for Corrective Services in late November 2013. All the key parties acted on this advice and at the time of writing there is reason to be more confident.

39 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) 39–40.

Chapter 3

SECURITY, CONTROL AND THE EXPANSION PROJECT

Separating the Prison from the Build

- 3.1 Operating a building site inside the perimeter of an operational prison generates substantial security risks. This inspection examined a range of security risks relating to the build itself as well as the plans for the new infrastructure and operations in the existing prison.
- 3.2 The arrangements for demarcating the building site from the prison have already been described.⁴⁰ In essence, a temporary fence had been erected which ran between buildings, behind buildings and around the oval to form a demarcation line for the prisoners. The construction site was close to the existing operational areas with some of the rear walls of the accommodation units actually forming part of the demarcation fence. Many parts of this demarcation line were very close to the operational prison. Furthermore, as the accompanying picture shows, the fence was clearly not sufficient to completely prevent prisoners entering the construction area, but rather to deter and slow them down should they think about breaching it, and to allow time for a response. Unlike some of the builds at other prisons, the barrier provided by the fence was not backed up with an electronic detection system. There were also a few points at which the CCTV coverage was, at the time of the inspection, either poor or non-existent.



Figure 4: Internal demarcation fence separating the main prison from the construction site

- 3.3 Serco are primarily responsible for maintaining security around the construction site. In the period leading up to the inspection, Acacia made news headlines when staff, during their routine checks, discovered a breach to one of the internal demarcation fences. This was a significant discovery and, if it had not been detected, there was a risk that

40 See [2.5].

prisoners would have been able to access the building site. If they had done so, partly because of poor storage of materials on the site, there would have been a risk that they would have accessed potential weapons or attempted to escape over the perimeter. However, contrary to some of the more flamboyant claims and headlines, this was not an ‘attempted escape’. At most it was preparation for a future escape: the breach was not in the perimeter fence and the evidence suggests that it was promptly discovered and rectified immediately.⁴¹

- 3.4 Prior to the inspection, the Office had raised significant concerns about the ‘cleanliness’ of the building site and the risks that this was generating. Unfortunately, at the start of the inspection period, this remained a very serious issue. There were far too many unsecured items around the site, including some that could be used as weapons and others as escape tools. This was causing frustration to Serco who carried the ultimate security risk and reflected seemingly different priorities on the part of the various parties (including the Department, Doric and Treasury).
- 3.5 Fortunately, after the breach in the fence was discovered, the Department began to take a sharper interest in the project and its associated risks and placed a stronger emphasis on security and safety. This, alongside Serco’s commitments, should lead to improved governance and reduced risk.⁴² However, it is worth emphasising the importance of this by way of a formal recommendation.

Recommendation 4:

Throughout the remainder of the expansion project, rigorous processes must be maintained to ensure that the risks and responsibilities of the various parties are clear, fully understood, and properly aligned, with security and safety as the paramount considerations.

Custodial Infrastructure

- 3.6 The primary construction site covered approximately one third of the footprint of Acacia. Rather than accessing the construction site through the existing front gate area of the prison, a temporary sally port and gate was built at the rear of the site, allowing direct access to the construction site for workers without disrupting prison operations. Adequate security controls were positioned around the temporary sally port.
- 3.7 The new buildings were not complete at the time of the inspection, but a general sense of the final layout could be attained from some of the more complete buildings. The inspection team raised several concerns with Acacia management at the time of the inspection. Most of these issues, such as cell doors and hatches potentially restricting line of sight when opened, seemed reasonably simple to amend during these early stages of the build. Serco made notes of these design issues and were intending to report them to the project control group for consideration and action.

41 The attention to security at Acacia was certainly far in excess of the situation at Banksia Hill Detention Centre in 2013. See OICS, *Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013*, Report No. 85 (July 2013).

42 See also [2.8]–[2.15].

- 3.8 Given the amount of razor wire present on both the perimeter fence and now the internal demarcation fences, it was concerning that no staff members onsite had been trained to safely remove a person caught in the razor wire. Unfortunately this Office has identified, through past inspections, that this is a state wide issue not only affecting Acacia. If someone became caught, Acacia staff would have to wait for the Department's Emergency Services Group (ESG) to arrive and attend to the situation, a minimum 1.5 hour wait.

Recommendation 5:

At Acacia and across the whole prison system:

- (a) Train staff in the retrieval of people entangled in razor wire; and*
- (b) Establish an MOU with outside agencies to supply equipment such as moveable platforms to assist with retrievals from razor wire at height.*

Internal Prisoner Movements

- 3.9 Acacia is an open campus style prison which provides a feeling of secure independence when moving throughout the prison. Barrier containment is present at each accommodation block to facilitate one controlled point of entry, and the smartly planned gardens and pathways direct prisoners and visitors to their destination in an organised and easily observable manner. The use of cameras and line of sight monitoring currently allows custodial staff to appropriately oversee prisoner movements.
- 3.10 Once the expansion project is complete and the new accommodation units are in use, internal prisoner movements will involve greater distances. Obviously it is essential that movement flows are mapped and planned, that good line of sight is maintained, and that additional control mechanisms such as barrier containment fences and surveillance cameras are installed as necessary.

Dynamic Security⁴³

- 3.11 Dynamic security is the linchpin of stable prisons and relies on the interface between staff and prisoners. Positive relationships between these two parties will lead to safer prisons due to increased respect and better intelligence gathering. Prisons that do not have good dynamic security will be more unstable.
- 3.12 Unfortunately, during the inspection only a few officers were observed spending time out of the unit offices and interacting with prisoners. An excessive amount of interaction between officers and prisoners was conducted through the unit office glass window, and some of this was observed to be rather abrupt and disrespectful. Amongst the officers who did venture out, the manner in which they spoke to prisoners was much more polite and respectful. The custodial staff based in the units said that they would like to get out more but that they felt chained to the unit because of their excessive workload.

43 See also [3.17]–[3.19].

- 3.13 If officers do not venture out of the unit office regularly, the level of supervision in the units will decline. This creates numerous risks in terms of prisoner-on-prisoner bullying, fights, intimidation and violence. Indeed, there was credible evidence that these were real, not hypothetical problems.
- 3.14 Prisoners at Acacia, unlike at other prisons around the state, call staff by their first name. This practice was introduced many years ago in an attempt to encourage mutual respect between prisoners and staff. However, some prisoners were still uncomfortable with this practice and commented that it felt like an obvious attempt by Acacia staff to try and become their friend. These prisoners stated that they did not want to be friends with officers and that it was hard to know where they stood on certain issues. However, on balance, this system adds a degree of normality and assists in promoting a pro-social culture.
- 3.15 An innovative program was introduced at Acacia, whereby prisoners and staff who have raised a grievance or complaint against someone else (either another prisoner or a staff member) are given the choice of conducting a restorative justice mediation session. The session involves the two parties and a management representative formally meeting to discuss their concerns. At the time of the inspection only two restorative justice sessions had occurred and in both cases the matter was resolved. Both parties were satisfied with the outcome and the relationship between them had reportedly improved. There were approximately 30 staff at Acacia trained to mediate the restorative justice process.
- 3.16 Prisoners employed in the industries area appeared to have a positive working relationship with trade instructors and were complimentary of the working relationship. The trade instructors felt similarly, however positive engagement was often restricted as most prisoners only worked half-day shifts. Trade instructors claimed that they were able to engage more with those rare prisoners who worked full days in the industries area.

Safer Custody

- 3.17 Since the last inspection, Acacia had rolled out their safer custody strategy. The strategy aims to reduce violence and bullying and to ensure prisoners are provided with an environment that is safe, secure and free from harm and intimidation. The strategy provides officers with the essential skills and tools to observe and recognise changes of behaviour of prisoners in their care. Specifically, the strategy is focused on:⁴⁴
- Encouraging staff to identify and manage prisoners identified as perpetrators of violence related behaviours;
 - Reducing incidents of prisoner assault, stand over and bullying;
 - Providing a sound communication process between all involved, including the victim;
 - Providing a clear plan of action, following up on action and addressing prisoner's violent behaviour; and
 - Ensuring the identity of the prisoner making allegations of being bullied or bearing witness to an act of bullying is not disclosed to the suspected bully.

44 Document explaining the difference between PRAG and Safer Custody, provided by Acacia Prison (23 January 2014).

- 3.18 Due to the complex and wide ranging nature of the safer custody strategy, it incorporates other areas related to the impact of bullying and violence at Acacia. The strategy integrates approaches aimed at violence reduction, suicide prevention and self-harm management. For this reason, the safer custody manager works hand-in-hand with the prisoner peer support team and is the chair of the Prisoner Risk Assessment Group (PRAG).⁴⁵
- 3.19 The strategy intent and documentation is strong. However, to be effective it needs to be bolstered by improved dynamic security and increased staff/prisoner interaction within the units.⁴⁶

Recommendation 6:

Acacia should enhance its focus on dynamic security.

Perimeter Security

- 3.20 Perimeter fence checks occur regularly throughout the day. Officers search both the inside and outside of the perimeter, checking the security of the fence and looking out for contraband. The erection of the demarcation fence for the expansion project has made access to any contraband thrown over the fence by members of the public more difficult.

Gatehouse Security

- 3.21 The gatehouse is the point of entry to the prison for staff, visitors, service providers and guests.⁴⁷ The attitudes of gatehouse staff during the initial meet and greet process will often determine a person's perception of the prison and often says a great deal about the culture of the prison. Staff in this area should be customer-focused, polite and courteous at all times. The gatehouse staff were observed to be generally polite, courteous and helpful to those entering the prison, though some gave the impression they felt inconvenienced by visitors. On the positive side, gatehouse staff were observed regularly entering the foyer area of the lobby to liaise with visitors and assist them to complete forms. This provides a more personable approach (rather than trying to provide instructions and directions to visitors through the glass panels) and it was not increasing risk.

Prisoner Searches

- 3.22 All prisoners who are expecting visitors are pat searched on the way in to the visit and strip searched once the visit is complete. All prisoners entering or leaving the prison are also strip searched. In the six months leading up to the inspection Acacia reported that they had conducted a total of 35,618 prisoner searches.⁴⁸ More than half of these were strip searches.
- 3.23 Surprisingly during these six months only one item was recorded as being found during a prisoner strip search. These results can be interpreted to mean one of two things: either the searching techniques are working well and prisoners are no longer carrying items, or the searching techniques are ineffective.

45 See [7.10]–[7.11]

46 See [3.11]–[3.13].

47 Building contractors can access the building site directly from the temporary sally port.

48 TOMS Reports, combination of 15,942 pat down searches and 19,573 strip searches at Acacia Prison (04 May 2013 to 03 November 2013).

3.24 Regardless of the explanation, it appears that strip searching is not producing results and may be excessive. Based on these figures, it is not unreasonable to assume a prisoner at Acacia could expect to be strip searched approximately 40 times over a 12-month period. Strip searches can be invasive and distressing and in some cases are a source of shame for people with culture practices that are shrouded in secrecy and law. A fine balance needs to be established between searching too much and not searching enough. This can only be determined through continual analysis of the processes and practices taking place and adjusting these where required. It is not clear that the balance is right at Acacia.

Key Control

3.25 Keys and radios are manually issued to staff from the central control room which is located at the entry point to the internal area of the prison. With high traffic passing through the central control room, this area becomes very congested at shift changes. To alleviate such congestion, the prison may benefit from an electronic key control system, similar to those in state prisons. The location of the keys and the type of key control method should be risk assessed, reviewed and any recognised improvements should be implemented.

Personal Alarms

- 3.26 Upon entering the prison all staff and official visitors are supplied with a personal alarm, similar to those worn at other prisons around the state. When pressed, an alarm is raised in the control room which identifies the location of where the alarm unit was when pressed.
- 3.27 During the inspection, staff spoke of the inaccuracy of these devices. This was directly observed by members of the inspection team when a personal alarm was activated and the prison staff responded to an area more than forty metres and two buildings away from its actual location. The issue was raised with Acacia management who said that measures were underway to address the problem.⁴⁹ This must happen: personal alarms are absolutely essential to staff, visitor and prisoner safety.

Recommendation 7:

Ensure that it is standard practice for Acacia and all other prisons in the state to conduct regular audits of the operation and accuracy of personal alarms, and that deficiencies are remedied.

Drug Testing

3.28 Urinalysis testing of prisoners is a regular feature of prisons.⁵⁰ As part of their PLFs, Acacia is financially incentivised to return less than 10 per cent positive random urine sample test results.⁵¹ Samples of urine are collected at a centralised point, the detention unit. Previously officers were rostered to each accommodation block who were familiar with collection procedures, but there are now only eight officers across the prison who

49 Acacia claim they have no influence over the alarm system, which is ultimately the responsibility of the Department.

50 System wide, urinalysis testing is not an accurate reflection of the level of drug use in prisons. Testing for drugs such as buprenorphine (trade name Suboxone) is problematic because the scan used for random urine testing does not include buprenorphine, dogs are not trained to detect buprenorphine and testing for buprenorphine is only done for targeted testing. The tests costs \$86 each therefore the number of target testing is limited.

51 To ensure transparency, the Department provides the list of randomly generated names for Acacia to test.

regularly administer the collection. Detention unit staff reported that there were often shifts when there were no staff on duty who felt sufficiently trained to collect urine samples.

Detention Unit

- 3.29 The detention unit (DU) is a temporary accommodation unit for prisoners who are removed from mainstream for the good order and management of the prison. Prisoners in the DU are managed under restricted regimes. During this inspection, we were alarmed to hear of the length of time some prisoners were being kept there. Just prior to the inspection, one prisoner had been in the DU in excess of 70 days and another in excess of 50 days.
- 3.30 The prisoners who had spent such a long time in the DU were kept there either following an incident and pending investigation, or for their own protection. In some cases, the prisoners were not able to be released back into the mainstream prison and had to remain in the DU until Acacia could secure a transfer to another prison. If a prisoner is awaiting placement in the DU and exceeds 14 days, Serco must seek approval from the Department to continue with the detention until they are transferred to another prison.
- 3.31 This Office does not underestimate the difficulty in managing cases such as these or in arranging transfers of difficult prisoners to other facilities. It also acknowledges that, while kept in the DU, Acacia attempted to provide them with alternative regime options. However, the end result is still that they spent too long in highly restrictive conditions.

Recommendation 8:

Acacia should examine alternative options to using the detention unit for managing prisoners on restricted regimes or who require additional protection.

- 3.32 Given the unpredictability of prisoners held in the DU, two to three officers are required just to unlock each prisoner from their cell. In October 2013, Acacia management agreed that the number of staff on duty in the DU during the day should be a minimum of three. Yet despite this agreement, observations by this office on various days and times of the inspection confirmed that often only two officers were there. Acacia management was aware of this and acknowledged that the DU loses one officer almost every day to cross deployments.
- 3.33 The inspection team also noticed that the DU staff were constantly occupied with managing the various prisoners and their varying regimes. They were spending a lot of time in the wings, leaving the control room vacant. As such, phone calls, oversight and safety appeared compromised and the timely reporting and recording of prisoner movements and events did not seem to be occurring.

Recommendation 9:

Acacia should ensure the detention unit is adequately staffed at all times and that staff adhere to operational procedures.

- 3.34 An incident in the months leading up to the inspection highlighted some security concerns in the DU. When the DU officers left for the evening, they did not secure a prisoner appropriately in his cell. As the DU is not manned at night, the prisoner was able to leave his cell and access the control pod. He also had the freedom to walk around the wings of the unit. Obviously, the prisoner should never have been left unlocked in the first place. Subsequent checks throughout the evening should also have revealed he was out of cell however security staff officially reported that they had checked the DU on multiple occasions but they did not notice that the prisoner was unsecured. It was not until the following morning that staff realised he had been out of cell all night.
- 3.35 It is not for this Office to comment on the actions that were taken with respect to this security breach. However we can conclude that Acacia conducted an investigation into the incident and significantly disciplined a number of staff involved.

Chapter 4

MANAGEMENT AND STAFF

Introduction

- 4.1 This inspection found that the expansion project was creating many pressures. The size and complexity of the build, concerns about what an influx of more prisoners and staff would mean for the prison, and uncertainty surrounding the intended role of the new units were all contributing factors. The management team had become increasingly stretched and some of them had become so focused on the requirements and risks of the expansion project and external relations activities that there had been a decline in their focus on the ‘here and now’, and on the operations of the existing prison. This, along with a number of changes in the Human Resource area, was impacting negatively on staff perceptions of management and leadership. There were also signs that the pro-social staff/prisoner relations, which had been a hallmark of the prison from 2006 to 2010, were declining.
- 4.2 We raised these issues with Serco prior to and during the inspection and suggested that a key starting point would be to inject additional resources into the management team, to ensure a sharper focus on the ‘here and now’ and also to accelerate the transition/change management program related to the new units coming on-line. Serco accepted the criticisms and at the end of the inspection period committed to inject additional positions and resources into both the management team on-site and in its Perth office.

Staff Culture

- 4.3 Serco’s global governing principles are embedded in Acacia’s expectations of staff at Acacia Prison. The company’s four governing principles, which are displayed on posters throughout the prison, are:⁵²
- Foster an entrepreneurial culture;
 - Enable people to excel;
 - Deliver promises; and
 - Build trust and respect.
- 4.4 Reflecting these principles, as part of the project development, numerous staff groups had developed and presented passionate business cases and ideas for their area, many of which were being seriously considered by Acacia’s senior management team. The inspection team heard of concepts to develop a performing arts program in the education centre, to design a health and fitness centre for self-care prisoners and a program to assist prisoners to become more independent and further embrace the CMS kiosks.⁵³ All of these ideas were driven by staff at Acacia, who could clearly see positive opportunities arising from the expansion project.
- 4.5 The governing principle to ‘build trust and respect’ was clearly incorporated into the expectations of everyday working life at the prison. Acacia’s responsible prisoner model expects both staff and prisoners to converse with each other politely and treat each other with respect. When staff were interviewed during the inspection, they displayed respect

52 Acacia Prison, *Strategic Business Plan 2012–13*.

53 CMS kiosks are ATM-like machines that assist prisoners with daily enquiries – more detail can be found in Chapter 6.

when talking about prisoners. Rarely, if at all, did the inspection team hear negative or derogatory comments by staff regarding prisoners. In fact, as with the 2010 inspection, staff rated ‘working with prisoners’ one of the best thing about working at Acacia.⁵⁴ Similarly, two-thirds of prisoners claimed in the prisoner survey that they got along well with their unit officer.⁵⁵ These findings compare well with other prisons.

- 4.6 Unfortunately, despite these positive findings, there were concerns that the constructive relationships between officers and prisoners was slipping. As mentioned in paragraph 3.12, many staff appear to only speak to prisoners through the glass window of the unit office. Some of this may be driven by the introduction of ‘Enquiry Time’ and self-serve CMS kiosks. ‘Enquiry Time’ was introduced to restrict prisoner enquiries and to allow unit officers time throughout the day to work uninterrupted. Prisoners document their enquiry on a form and place it in the enquiry box in their unit. The box is emptied each day and officers respond to prisoner enquiries during allocated times each day. Enquiries are not processed on weekends. Alternatively, the self-serve CMS kiosks are used as a substitute for responding to simple enquiries, such as a prisoner’s account balance.
- 4.7 Serco saw Enquiry Time and CMS as presenting opportunities for efficiency and for freeing up staff for other interactions with prisoners. However, at the time of the inspection, the two processes seemed to be actually reducing the opportunities for positive interaction. Prisoners expressed particular frustration with the ‘Enquiry Time’ process. Not only did they feel that it created a divide between themselves and officers, the prisoners also felt that they were not able to approach unit staff with serious requests for information regarding sensitive topics such as funeral applications. Some ‘Enquiry Times’ also fell while prisoners were at work, recreation or education, leaving those prisoners with even further restricted access to unit staff.

Staffing Model

- 4.8 Like other prisons, Acacia is staffed by a mix of custodial and non-custodial employees. Non-custodial roles include medical experts, vocational trainers, educators, psychologists, chefs, trade instructors, program facilitators and administrative support roles.⁵⁶ Most custodial positions at Acacia are segmented into two roles; case management officers and security officers.⁵⁷ Both positions possess similar custodial responsibilities, however, case management officers are based in the accommodation units and are expected to interact with prisoners and contribute towards a prisoner’s assessment process. Security staff, on the other hand, have less direct interaction with prisoners and provide more coverage across secure areas such as the sally port, reception, and gatehouse. Custodial roles are divided into A Shift and B Shift and officers rarely stream over into other shifts unless they are undertaking overtime, or have been transferred across.

54 This was the result of an open-ended question asking staff about the three most satisfying things about working at Acacia. The other two most popular responses were ‘good colleagues’ and ‘working conditions’. It is not common for ‘working with prisoners’ to be one of the three ‘best things’ at other prisons.

55 Sixty seven per cent of Acacia prisoners who undertook the pre-inspection survey stated that they get along well with their unit officers, which was slightly above the 60 per cent stage average.

56 Acacia Prison, *OICS Written Submission, Announced Inspection Acacia Prison* (16 October 2013) 7.

57 Some custodial officer roles may also fall into other categories, such as recreation officers.

- 4.9 Staff complained that there are a lot of inexperienced custodial officers at Acacia because of a recent higher than normal turnover. The senior management team at Acacia was less concerned about the attrition rate, noting that some staff had left for disciplinary reasons and others had taken up jobs at other Serco facilities or in the Department. However, this did result in fewer experienced staff at Acacia.
- 4.10 Analysis of the experience levels of the different shifts also shows that case management officers on A shift tend to have less experience than B shift (see figure 5). This was a common complaint by staff. Prisoners had also noticed and were unhappy with the level of experience of A shift. This seemed to be placing additional pressure on experienced officers on A shift staff who felt that they needed to provide mentoring and advice to the more inexperienced officers. They felt that this was taking time away from their usual duties and reduced their ability to spend time building rapport with prisoners. Furthermore, if they themselves are relatively new recruits, they often do not feel confident in providing advice and instruction to others who have just started work. As a result Acacia prison management should consider balancing the amount of experience across both shifts to ensure there are sufficiently trained, confident staff who can undertake mentoring for new recruits across both shifts.

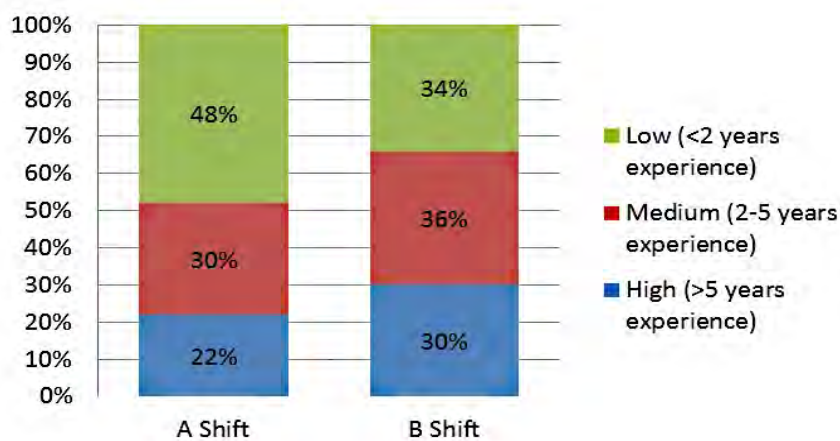


Figure 5: The difference of experience between A Shift and B Shift

Recommendation 10:

Acacia should ensure that there is an appropriate balance of experience levels between A shift and B shift.

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- 4.11 In 2007, custodial staffing numbers were agreed upon with the Community and Public Sector Union (CPSU) who were the designated union at the time. As the prisoner population increased, so too did the number of staff. At the time of the inspection, there were 222 custodial officer positions and 150 non-custodial positions with 99.5 per cent of all these positions filled. As a result, in 2012/13 Acacia received a perfect score for their staffing PLF, which stipulated that more than 90 per cent of the agreed custodial staffing level were to be available to provide the minimum prison service.⁵⁸
- 4.12 According to these figures, Acacia is not understaffed. However, throughout the inspection, the team heard from numerous custodial officers who felt that their workload demands were too high and that there was simply not enough custodial staff available to run basic operational duties. The WA Prison Officers Union (WAPOU) has also frequently claimed that the prison has too few staff. In the pre-inspection staff survey, ‘work load’ and ‘understaffing’ were rated as two of the most stressful elements about working at Acacia. It is difficult to objectively assess these concerns, and complaints of short-staffing are made at every prison in the state to some degree or another. However, at Acacia, a significant part of the dissatisfaction seemed to be driven by officers being cross-deployed to unfamiliar working locations. These cross-deployments mostly resulted from staff leaving the prison to provide security coverage for Acacia prisoners admitted to hospital.

Impact of Hospital Escorts and ‘Sits’

- 4.13 The term ‘hospital sit’ refers to the situation where security staff are required to provide security and ensure the safety of prisoners who have been admitted to hospital. In 2011, a new Court Security and Custodial Services (CSCS) contract was developed for court security, prisoner transport and other escort services in Western Australia.
- 4.14 The contract provides for a maximum of five hospital sits per day in the Perth metropolitan area. Having a fixed daily quota is problematic as demand for these services will inevitably ebb and flow. If additional services are needed, the current situation is that the parent prison is expected to supply the additional service out of its own pool of employees. A better approach, as previously recommended by this Office, would have been a separate contract to cover ad hoc transports and hospital sits.⁵⁹
- 4.15 The new arrangements are causing problems across the system as discussed in our recent report on Casuarina Prison.⁶⁰ Casuarina and the other state prisons must either cancel appointments or cover them with their own staff. This means either bringing in other staff on overtime or shutting parts of the prison’s daily operations to free up staff to conduct the hospital sit.

58 The Department of Corrective Services, *Operational Performance against the Performance Linked Fee 2012/13*. This PLF has now been removed: see Chapter 1.

59 OICS, *Thematic Review of Court Security and Custodial Services in Western Australia*, Report No. 65 (May 2010).

60 OICS, *Report of an Announced Inspection of Casuarina Prison*, Report No. 88 (January 2014).

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- 4.16 There are two additional complexities at Acacia. First, unlike many prisons, it does not have a secure vehicle to transport prisoners.⁶¹ Secondly, the daily quota approach was introduced into the CSCS contract five years after the Acacia Prison Services Agreement with Serco. Consequently, the Agreement does not factor in any budget for extra staff to undertake the additional hospital sits.
- 4.17 The inspection team heard that the situation had become so critical, that whilst Acacia had covered some emergency hospital sits, it had also been forced to regularly cancel some scheduled hospital sits. The situation had even resulted in the cancellation of planned surgeries. Where staff do undertake hospital sits, there is a major impact on the prison's daily regime because staff from areas deemed less essential, such as recreation, will be cross-deployed to other areas of the prison, with their area being closed. The area most affected was the gym.⁶²
- 4.18 These issues need to be resolved. It must be remembered that both the contractor and the state have duties of care to prisoners.⁶³ It was never reasonable to expect that the new CSCS contract would meet peak demand and appropriate arrangements should be in place at all prisons to cover any shortfall. Whilst Serco must meet its obligations under the Acacia Prison Agreement and also its obligations as the CSCS contractor, the commercial reality is that it would be unreasonable to expect them to simply cover additional demand.
- 4.19 Acacia acknowledged the problems and said that, to date, it had incurred significant additional costs. The Department for its part put two propositions to us. One was pretty blunt: Acacia could cancel appointments if it was not being paid. The other was more flexible: Acacia could invoice the Department if it needed to undertake the additional work. Surprisingly, however, Acacia had never 'tested' this option during the life of the current CSCS contract by invoicing the Department for additional work.⁶⁴
- 4.20 The current situation is untenable and high risk, with a degree of passivity or lack of realism on all sides. It must be resolved.

Recommendation 11:

To ensure that the contractor and the state meet their duty of care to prisoners, and that prisoners' hospital appointments are not cancelled, the Department should work with Serco to provide appropriate funding to cover (i) the cost of a secure vehicle; and (ii) the staff required for hospital sits.

61 In emergencies, prisoners will be taken to hospital in an ambulance. In non-emergency, but when the prisoner is still required to be admitted to hospital, Acacia has no secure way of taking the prisoner to their scheduled hospital appointment.

62 See also [6.41]–[6.43] and Recommendation 18.

63 See [1.2].

64 Acacia provided a record of payments it had received for additional transport work undertaken between 2007 and 2010 but had not sent the Department any invoices for work after that time. At the time this report was being finalised, Acacia was apparently preparing invoices for 2011 onwards.

Support and Communication from Management

- 4.21 Our 2013 Acacia staff survey revealed that staff are dissatisfied with the level of communication and support they receive from Acacia management. Results from the pre-inspection survey demonstrated that staff felt that open communication had declined markedly since 2010 and sat below the state averages. Conversations with staff during the inspection revealed that they were disappointed with the levels of senior and middle management presence throughout the prison, which contributed to the perceptions of poor communication and availability. While staff expressed appreciation for the monthly ‘Director’s Hour’, many felt that the meetings functioned more like a broadcast of information rather than a two-way conversation. Some staff also believed that Acacia senior management were now less caring. Some examples were provided whereby staff suffered injuries or stress from incidents at the prison, and claimed that little or no personalised support was provided for them.
- 4.22 Serco undertake their own global annual staff survey called Viewpoint, which provides Acacia management feedback about a range of issues. Their 2012 results indicated to the Acacia senior management team that middle managers were not communicating as effectively as anticipated. Acacia management were quick to address the issue and invested in front line management training and coaching for 20 middle managers. While the 2013 Serco survey results were not yet available, the senior management group felt that the training program had positively influenced more open and constructive communication amongst their middle management group.
- 4.23 It was clear that the senior management team at Acacia have been heavily absorbed in the expansion project, focusing on both the construction challenges and the plans for the increase in prisoner population. While it was important to pay due attention to such a large scale development, the expansion project appeared to have stretched management resources to a point where some senior managers were essentially ‘offline’ for day-to-day operational matters. While staff remained committed to their jobs during trying times, Acacia would benefit from an immediate injection of appropriate additional management resources. This Office shared these concerns and Serco committed to action them as a matter of priority.

Recommendation 12:

Serco should introduce additional senior management positions, and realign management responsibilities, to ensure (i) that the Acacia senior management team does not lose focus on immediate operational priorities during the expansion; (ii) improved management/staff communication; and (iii) strong transition planning and change management.

Human Resource Management

- 4.24 Adding to the stress staff were feeling from cross-deployments and turnover/inexperience, there had also been a number of recent changes to human resource processes at Acacia. Globally, Serco are moving towards a centralised administration system, known as

‘One Serco’. As part of ‘One Serco’, a new human resource application called MyHR was developed to facilitate electronic processing of leave applications, payroll data and other human resource functions. Acacia volunteered to be the first Serco site in the world to implement the system. Unsurprisingly, as the ‘test site’, Acacia experienced teething problems, the most prominent being the inaccurate recording of staff leave balances. Staff frustrations with the new MyHR system were clearly evident throughout the staff survey, with only 32 per cent of respondents feeling that their leave applications were processed effectively (dropping from 87% in 2010). Positively, Acacia had implemented an interim work-around solution of recording leave balances manually on spread sheets to ensure staff are granted the leave to which they are entitled. Given the extent of change at the prison, especially the expansion project, it was brave but unwise for Acacia to have volunteered to test a new HR system at this time.

- 4.25 Another cause of concern for some staff was that Acacia had introduced a more proactive approach to managing leave and overtime. The staff survey also revealed that staff were unsatisfied with the level of coverage for their position when they take leave or are absent. To help manage leave and overtime, and to provide better coverage for absences, the senior management team had requested staff to pre-book a proportion of their annual leave for 2014. Some staff were vocally unhappy at being asked to plan leave so far in advance, while other staff could see the clear organisational benefits of planning in advance. In the view of this Office, the new system is not unreasonable and is what would be expected in most workplaces. However, communication from management to individuals and to staff as a whole may sometimes have been clumsy.
- 4.26 Acacia has designed a performance management system for staff that involves discussing and setting objectives, identifying developing needs, reviewing progress and measuring results against the objectives set. The Acacia senior management team acknowledged that the system has not been executed well, with only around half of all staff having a performance management plan in place. Acacia’s performance appraisal processes need to be improved. As this is an issue at publicly run prisons too, it is an obvious area for cross-sector discussions.

Recommendation 13:

Acacia should use the performance appraisal system in place at Acacia as intended for all staff.

Staff Training

- 4.27 Acacia employs two enthusiastic training facilitators who coordinate all aspects of training for prison staff. The training facilitators deliver a 12-week training course for new custodial officer recruits. The course covers a comprehensive range of topics that staff need to know to do their jobs, and leads into a Certificate III in Correctional Practice. The course is suitable for people with no experience in custodial environments, which suits most recruits. However it can end up being rather monotonous for recruits who have transferred from other Serco contracts or other custodial environments. For example, recruits who have

transferred from Serco's Court Security and Custodial Services contract are likely to have already achieved their Certificate III in Correctional Practice and should be accredited for Recognised Prior Learning.

- 4.28 The training school usually runs three schools and trains around 70 new custodial officers each year. The training facilitators also organise two-day induction training for new, non-custodial staff and any ad-hoc training for staff throughout the year, such as computer program training courses and Certificate IV in Training and Assessment. The training courses were well regarded by Acacia staff. The 2013 staff survey results show high numbers of respondents felt adequately trained in use of restraints, use of chemical agents, CPR and First Aid, case management, interpersonal skills, occupational health and safety and cultural awareness. Areas where staff felt inadequately trained were use of breathing apparatus, emergency response-fire natural disaster, emergency response-loss of control; management of prisoners with drug issues and the management of prisoners with mental health issues.
- 4.29 Staff at Acacia prison believed that Serco appreciates the importance of training staff to understand and appreciate Aboriginal and other cultures. Custodial staff are offered two-days of structured cultural training during their initial training course. This was well received but non-custodial staff missed out on such an opportunity.

Recommendation 14:

Acacia should provide regular, ongoing cultural awareness training for both custodial and non-custodial staff.

Chapter 5

PRISONERS AT ACACIA

Prisoners and Staff

- 5.1 Acacia's stated philosophy supports a pro-social approach in relation to staff/prisoner interactions. The premise is one of mutual respect within a context that is not purely driven by a hierarchical, military-style approach. For example, prisoners address officers by their first names and vice versa. This approach places staff and prisoner interactions within a much more equitable framework.
- 5.2 Overall, however, the 2013 inspection found some slippage in positive pro-social interaction between staff and prisoners. The pre-inspection prisoner survey revealed that only 36 per cent of respondents would trust their unit officers to support them if they had a problem. This was down from 40 per cent in 2010 and compares poorly with the state average of 51 per cent.⁶⁵ On the other hand, two-thirds of the respondents would trust other prisoners to support them. This indicates a distinct shift in relations between officers and prisoners, with prisoners increasingly turning to each other for support. It also demonstrates the negative impact resulting from staff remaining behind the glass in offices too much.

Lifers

- 5.3 There were approximately 80 prisoners serving life and indefinite sentences at Acacia during the inspection. This group expressed feelings of marginalisation. Whilst some caution should be advised when considering special privileges for a distinct group of prisoners, Acacia will be home for a very long time for these prisoners, and the number of such prisoners throughout the prison system is likely to increase in the coming years. It is therefore important to consider the most appropriate management and support strategies.
- 5.4 The major concern for this group was the shortage of mental health support. Being in prison for a long time was proving difficult for some, with most not wanting to burden their friends and family on the outside with their dilemmas. Short-term options were available, but this mostly consisted of them being placed in the Crisis Care Unit for a few days or being placed on a two-month waiting list to see the Prison Counselling Service (PCS). They felt as if they really do not have anywhere to go for help. Some prisoners suggested that they would benefit from a lifers visitor service, similar to the Aboriginal Visitor's Service, where external representatives could visit lifers and assist with their concerns.
- 5.5 A committee exists specifically for long-term prisoners and prisoners on life sentences. This is the 'Health, Education and Advice for Lifers' committee (HEAL). Prisoners on this committee said that it had also lost momentum and had only recently been re-invigorated, having not met regularly since July 2011. They cited lack of management presence as the reason for this. Whilst the committee is now back up and running, chaired by a manager from the resettlement area of the prison, the prisoners on this group did not feel that the concerns they raised were taken seriously enough.

65 The 'state average' is the average of all fourth-round pre-inspection prisoner survey results in Western Australia, excluding Karnet Prison Farm.

- 5.6 The lifers perceived their role in the prison as a stabilising one due to the fact that they are in prison for a long time. They, as a group, are generally quiet and want to live as peaceful a life as possible. As such, they think they have a settling effect on other prisoners that largely goes unacknowledged. They contribute to prison activities, in particular the family visit days held on the oval a few times each year.
- 5.7 Overall the inspection found that life was not all that good for lifers at Acacia. Indeed, many mentioned a preference to be transferred to another prison. This is not something inspection team members have heard previously from this group of prisoners. Acacia should examine what it can do locally and the Department should examine and implement strategies to better reflect the needs of lifers and other long term prisoners across the whole system.

Recommendation 15:

Acacia should examine and implement strategies to improve the management and wellbeing of lifers and long term prisoners.

Minimum-security Prisoners

- 5.8 At the time of the inspection, there were 55 minimum-security prisoners at Acacia, making up only six per cent of the prisoner population. The number of minimum-security prisoners had halved over the previous 12 to 24 months, with most minimum-security prisoners being transferred to Wooroloo Prison Farm or Karnet Prison Farm as soon as practicable. Previously, prisoners waiting for transfers to places such as West Kimberley Regional Prison were held at Acacia, but these transfers are now facilitated primarily from Wooroloo.
- 5.9 Almost all of the minimum-security prisoners were undertaking programs that needed to be completed before they could be transferred. Some who had completed programs were on the wait list for minimum-security prisons and a few could not be transferred because of security alerts. Most of the minimum-security prisoners remaining at Acacia were eager to move on to take advantage of their new minimum-security status and the sentence management team were doing their best to ensure they were transferred as soon as possible.⁶⁶

Aboriginal Prisoners

- 5.10 Three hundred and seventy nine of Acacia's 1,000 prisoner population were Aboriginal, meaning that Acacia houses the greatest number of Aboriginal prisoners in the state. Acacia has produced an Indigenous Prisoner Strategy which aims to ensure that Aboriginal prisoners are able to fully access the opportunities available.⁶⁷ According to the strategy, Acacia will deliver a tailored approach to induction/assessment, education, healthcare, pre and post release support, assisted visits, culturally specific offending behaviour programmes, employment support and case management.

⁶⁶ List of all minimum-security prisoner and their reasons for being at Acacia Prison, provided by Acacia Prison Sentence Management (4 November 2014).

⁶⁷ Acacia Prison, *Indigenous Prisoner Strategy 2012*.

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- 5.11 The strategy itself was well developed and incorporated relevant operational procedures to address the particular needs of Aboriginal prisoners. However, there was little evidence during the inspection to suggest that the strategy was being consistently implemented. It appeared that some aspects were being actioned by individual staff but the overall implementation of the strategy lacked both consistency and senior management drive and guidance.
- 5.12 A significant proportion of the Aboriginal prisoners at Acacia identified themselves as from regional and remote communities, with many from Kalgoorlie and central desert communities. Prisoners who identified themselves as being ‘out-of-country’ expressed their desire to be placed in prisons closer to their home, claiming that once they arrived at Acacia they felt it was virtually impossible to receive a transfer elsewhere. The regional Aboriginal prisoners at Acacia were at least hoping to be placed in cell accommodation near their countrymen, a practice that Acacia supports and actions when operationally practical.⁶⁸ Those Aboriginal prisoners not housed amongst their countrymen voiced dissatisfaction with new local rules that prohibited them from visiting other accommodation units, claiming that restricting regular contact can negatively impact a prisoner’s mental wellbeing during times of stress.
- 5.13 Many of the ‘out-of country’ prisoners confirmed that they rarely receive family visits, a problem compounded by the fact that Acacia is the best part of an hour’s drive from central Perth. To assist prisoners to maintain contact with family by telephone, ‘out-of-country’ prisoners receive a \$7 per week regional phone allowance. While the prisoners are appreciative, the \$7 is not stretching very far, as most family and friends these days are only contactable on their mobile phones – a more expensive communication method than the traditional land line. The Aboriginal prisoners rarely used video link facilities to contact their family, claiming that the \$10 fee was much too expensive for a service that can be accessed reasonably inexpensively over the internet. The introduction of Skype at Acacia to facilitate contact with family in the regions was an innovative and more cost effective alternative. However Skype facilities are limited and a number of restrictions are imposed on its availability.⁶⁹
- 5.14 In 2011, Acacia used Skype as an alternative medium for prisoners who were unable to attend a funeral of a former Aboriginal prisoner. Acacia negotiated with the prisoner’s family and sought permission to stream the funeral service and burial back to the prison. Sixty prisoners from Acacia and 12 staff attended the Skyped service and burial in the Acacia prison chapel. Acacia should be commended for introducing such an innovative solution to a particularly sensitive situation. It was extremely well-received and helped to heal and settle the prisoners. However, since the event, this Office has not heard of any further initiatives surrounding the use of Skype.
- 5.15 The Department has not yet maximised the opportunities presented by Skype and other on-line technologies, and without Departmental buy-in and direction, there will be limits to what Acacia or any other individual prison can do. The possibilities are almost

68 Acacia Prison, *Indigenous Prisoner Strategy 2012*.

69 See Chapter 6.

endless. In addition to facilitating family and community contact, these technologies could be used to trial innovative forms of connection with community and school groups. Chapter six includes a recommendation regarding such issues.

- 5.16 The pre-inspection prisoner survey revealed that Aboriginal prisoners felt that the staff at Acacia did not fully understand their culture, with the perception that knowledge and understanding amongst staff had slipped over the last few years.
- 5.17 In 2008, Acacia appointed an Aboriginal woman with strong experience in training and health as part of the senior management team. She was given specialised responsibility for Aboriginal prisoner issues alongside a wider portfolio. At the time, this Office commended Acacia for appointing a senior manager who could provide strategic direction on Aboriginal issues, but also recommended that an additional position was needed to improve linkage to the prisoners.⁷⁰ Acacia actioned this recommendation and introduced the position of Coordinator Indigenous and Cultural Affairs. After this, the Aboriginal prisoners felt that the senior management team were starting to understand their culture and liked the fact that they had strong representation at a director level. The senior manager reinvigorated the Acacia Aboriginal Advisory Board and built connections between the prison and community service providers.
- 5.18 In 2012, the senior manager with the Aboriginal portfolio left Acacia and her responsibilities were absorbed by other management team members. Unfortunately, the prison's strategic focus on Aboriginal prisoners began to drift and the problems were compounded by the fact that the expansion project was taking energy and resources away from the 'here and now'. During the inspection, the senior management team at Acacia accepted that its focus had fallen back.
- 5.19 The Coordinator Indigenous and Cultural Affairs has a very extensive load, including organising special events for both Aboriginal prisoners and prisoners from other cultures and assisting with operational matters regarding Aboriginal issues. The staff member working in this role seemed incredibly busy, dealing with funerals and dangerous illnesses in the community, mediating prisoner conflict and liaising with health, education, peer support, resettlement and programs staff. Services at an operational level are generally being met, however, the resources are stretched and have become increasingly so with the drop in strategic focus.
- 5.20 During 2013 the Department tightened up on the criteria for prisoners to attend funerals.⁷¹ This was another factor driving the poor results in the prisoner survey. The changes were a cause of cultural pain and anxiety. The prisoners do not believe that Acacia and the Department comprehend Aboriginal family relationships and the cultural implications for prisoners and their families. When prisoners in the pre-inspection survey were asked how Acacia could improve staff understanding of Aboriginal culture, one of the most popular

70 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 53 (June 2008) Recommendation 10.

71 See OICS, *Funeral Attendances by Incarcerated People in Western Australia* (September 2013).

responses was to employ more Aboriginal staff.⁷² Clearly, the presence of Aboriginal staff, at any level, positively influences Aboriginal prisoners to become more engaged with prison operations and helps to build stronger relationships between prisoners and staff.

- 5.21 There are also opportunities for Acacia to introduce a stronger program of visits by Elders who would be able to offer guidance and support not only to prisoners but also to staff.

Recommendation 16:

Acacia should:

- (a) Reinvigorate its strategic focus on Aboriginal issues; and*
- (b) Focus on recruiting and retaining more Aboriginal staff in all areas, including management, custody, education and support roles.*

Protection Prisoners

- 5.22 Protection prisoners are housed separately from the main prison population because they are vulnerable amongst the mainstream population. There were 139 protection prisoners at the time of the inspection, living in Juliet block, a secure accommodation unit, controlled by movement restrictions that are aimed to keep the prisoners safe. Protection prisoners are escorted at all times throughout the prison grounds, with segregated sessions of recreation and education scheduled into the prison's timetable. Recreation is restricted to one hour in the gym or on the oval each day and structured education is offered one day per week. While protection prisoners were appreciative of the opportunity to participate in education, they felt that their study options were limited to basic remedial maths and English or private study and they would like the opportunity to take computing studies courses or something similar.
- 5.23 Protection and mainstream prisoners are integrated but carefully supervised during visits. Protection prisoners are normally separated in the visitor's area by keeping two rows of visitor tables free between them and mainstream prisoners. Chaplaincy services also integrate mainstream and protection prisoners during their services, but unfortunately the inspection team heard credible reports that protection prisoners had been missing out on Sunday services because unit officers failed to call them to be escorted to the chapel.
- 5.24 Protection prisoners are offered limited employment, mostly in a light industries area reserved specifically for their use. One prisoner was employed in peer support, while others undertook art or worked within the unit. However, 41 protection prisoners – more than one third – were not working or enrolled in full-time education. With movement restrictions in place, those not working or studying faced an isolated and restrictive routine with little time outside the unit.

72 Prisoners also suggested in the survey that Acacia considers bringing elders in to the prison, better access to cultural music, more traditional foods in the kitchen, enhanced education for staff regarding funerals, allowing prisoners with the same language groups to stay in the same unit and educating staff not to stereotype Aboriginal prisoners.

- 5.25 The expansion project should provide more opportunities for protection prisoners, with the opportunity for education to be provided in the new centre being built adjacent to the protection unit. It is essential that this happens and that other steps are taken to ensure that the regime for protection prisoners is enhanced and not restricted when the expansion project is finalised.

Prisoners Requiring Assisted Care

- 5.26 There is an accommodation block at Acacia dedicated to prisoners requiring assisted care, mostly the elderly or infirmed prisoners. The assisted care unit has an open feel and has two cells for disabled access, which are slightly bigger than a standard cell, to allow for wheelchair access. The centre has an open garden space where prisoners from the unit have been growing vegetables and other plants.
- 5.27 Prisoners in the assisted care unit reported that they like their accommodation and that the staff working in the unit were ‘brilliant’. Several prisoners, however, complained that their walking impairments made it difficult to attend the medical centre from medication. They requested that their medication be delivered in the unit.

Peer Support

- 5.28 There had been some positive changes in the management and operation of the peer support system at Acacia. Most significantly the two Prisoner Support Officers (PSOs) had moved out of the resettlement portfolio and into the safer custody portfolio. This is a more appropriate fit as the primary role of peer support is to provide support to vulnerable prisoners. This change has meant a physical move out of the education centre and into a shared office with the safer custody manager. This move provided the PSOs with a more structured approach to managing the peer support system. Previously, because of the large number of prisoner movements in the education centre, prisoners had taken the opportunity to see the PSOs regardless of whether they were authorised to do so. This had put a lot of pressure on the PSOs. Under the new arrangement, prisoners have to book appointments and can no longer arrive at the PSOs’ office unannounced. This more structured approach should make the PSOs work more streamlined and effective but they must also maintain a proactive and visible presence across the prison.
- 5.29 Another positive change is that there are now daily meetings between the PSOs and the prisoner members of the peer support team. These occur in the visits centre at 8.30 each morning. These meetings are information sharing opportunities in which the peer support prisoners can provide information about prisoners who may be having a difficult time in the accommodation blocks. The PSOs can, in turn, feedback to the prisoners any information pertinent to their role as peer support prisoners.
- 5.30 The increasing confidence of prisoners in the peer support system at Acacia was evident in the responses to the pre-inspection prisoner survey. Most respondents indicated that they would trust peer support prisoners to support them if they had an issue.

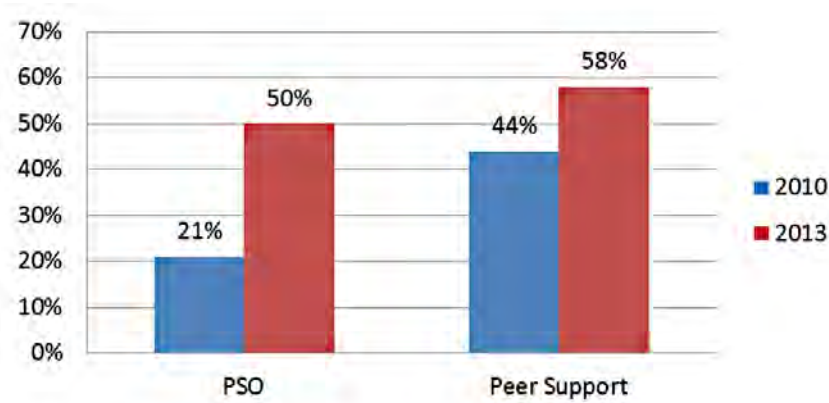


Figure 6: The percentage of prisoners who trust PSOs and Peer Support

Prisoner Activity and Information Committee

- 5.31 Acacia has been proactive in establishing forums in which prisoners can provide feedback to prison staff and management on their experiences at Acacia. One such committee is the Prisoner Activity and Information Committee (PIAC). PIAC meets on the first and third Tuesday of every month and comprises representatives from senior management as well as prisoner representatives from the various accommodation units. PIAC provides a forum for prisoners at Acacia to raise issues with senior management who can either respond directly at the meeting or commit to following up on the issue. This forum also provides an opportunity for senior management to provide information to prisoners about topical issues in the prison. The PIAC forum is good, innovative practice, and is a model that has been replicated in some of the public prisons in the state including Bunbury, Hakea and Albany Prisons.
- 5.32 Unfortunately, this inspection found the functioning of PIAC to be less robust than on previous occasions. Whereas previously, managers from most portfolio areas attended meetings, now sometimes only one Assistant Director attends. The prisoners also felt markedly less confident that the issues they raised would be reasonably considered and progressed. One prisoner even commented that the only reason he kept going to the meetings was because it was better than doing nothing in his cell.

Chapter 6

PRISONER CARE AND WELLBEING

Custodial Management System

6.1 The Custodial Management System, commonly referred to as CMS, was introduced in February 2011. It is an electronic kiosk system that Acacia introduced using the previous three years of their innovation bonus funding. The ATM-style kiosks are located in the accommodation blocks and common areas of the prison. Each prisoner has their own profile which they can access by scanning their fingerprint and entering their own personalised code. Once a prisoner has logged into the system, they can access their account balances, purchase items from the canteen and through town spends,⁷³ top up their phone allowance, order their meals in advance, and check their timetables for appointments and visits. Messages and notices from staff can also be delivered through the CMS kiosk.



Figure 7: The menu page on the CMS kiosks

- 6.2 The system was designed in line with Acacia's responsible prisoner model. At the same time it is an intelligent initiative aimed at reducing the workload of unit officers and non-custodial staff. Staff certainly felt that the system has saved them from becoming distracted with looking up prisoner account balances throughout the day.
- 6.3 The system is integrated to track prisoner movements throughout the prison. Prisoners are expected to scan their fingerprint each time they move in and out of an area. If administered correctly, the system should be able to recognise when a prisoner is out-of-bounds or has not scanned into the location they are meant to be in. While in theory the tracking system sounds like a simple, non-intrusive mechanism for monitoring prisoner movements, the inspection team heard of many occasions when the system did not work.

73 Discussed further in [6.45].

Most instances seemed to be simple teething errors as both staff and prisoners were still becoming accustomed to using the system. However if the system is not working properly, the prison's risks will increase as it will not be able to adequately monitor movements. These issues were raised with management during the inspection and Serco committed to improvement.

- 6.4 Three quarters of prisoners who completed the pre-inspection prisoner survey liked the CMS kiosks. They liked being able to readily access their accounts, book appointments and make enquiries and felt that the anonymity of the system was useful for instances when they did not want to discuss their concerns with unit staff. When asked about the negative elements of CMS, prisoners made note that not everyone at Acacia is computer savvy or comfortable using the technology. Prisoners also did not like that they cannot cancel pre-booked appointments and that the system is slow. They also noted that machines, unlike humans, cannot provide explanations.
- 6.5 The inspection team came across prisoners who were not using the CMS kiosk and, as a consequence, felt they were missing out on meetings and other important events around the prison. Prisoners with low literacy levels, prisoners from non-English speaking backgrounds, and prisoners with little exposure to touch screen technology felt marginalised by CMS. At the time of the inspection, there was no user manual for the system and officers claimed they were struggling to use the system, let alone prisoners. So a decision was made to create a paid prisoner employment position in each block called the CMS Champion who could assist prisoners in using the system. There was little evidence during the inspection that this position was working effectively, with prisoners, including those with low literacy levels, claiming that they did not know who their CMS Champion was.
- 6.6 In summary, the CMS system is an exciting innovation that has been positively embraced by most people at the prison. Systems of this sort also have huge potential across all WA prisons. The introduction of CMS was a major change and affected areas of great concern to prisoners. Given the number of prisoners and the magnitude of this change, there have been relatively few formal complaints about CMS. However, there have been teething problems with respect to movement control and the ability of some prisoners to use the system. There was also no tangible evidence that the advent of CMS had freed up officers to increase their presence in the units.

Recommendation 17:

- (a) *Acacia should monitor, and as necessary enhance the Custodial Management System to ensure that it is functioning as an adequate movement control system; and*
- (b) *Acacia should have processes in place to ensure all prisoners are sufficiently trained in the Custodial Management System as well as processes to assist those prisoners who need help understanding and using this system.*

Reception, Admission and Management of Prisoner Property

- 6.7 The reception area of the prison is the first entry point for prisoners when they arrive at Acacia. It is also the portal that prisoners pass in and out of during their sentence and the last port of call for prisoners exiting the prison. The reception area of Acacia Prison is split into two areas, the area for prisoners coming and going out of the prison and the property office.
- 6.8 The staff working in reception were very professional and took time to speak to prisoners irrespective of the reason they were passing through. Staff appeared well organised and worked together well. Communication between reception staff and accommodation units flowed smoothly, facilitating a seamless process of preparing prisoners for escorts.
- 6.9 The inspection team observed prisoner property stored in the sally port area. The property belonged to prisoners who had been transferred out of Acacia but whose property did not fit in the transfer vehicle. Inspection staff raised their concerns about leaving property in the sally port. This practice generates an unnecessary risk for officers loading or unloading prisoners from vehicles and can also create a hazard for medical personnel when an ambulance is parked in the sally port. Management attended to the issue when it was raised.



Figure 8: Property stored in the sally port

- 6.10 Staffing in the property store had dwindled significantly since the 2010 inspection. In 2010 there were three prisoners assisting custodial staff in the property store. They were tasked with duties that did not involve them in the direct handling of other prisoners' property, such as laundering the clothes and packing the new intake clothing kits. The 2010 report

concluded that ‘the employment of prisoners in these trusted positions is consistent with the responsible prisoner model in place at Acacia’. Unfortunately, in 2013 prisoners no longer had the opportunity to work in the property store as it was deemed too high risk.

- 6.11 Further, whilst two officers are rostered to work in the property store, one is almost always cross-deployed, so in reality only one staff member is available to work in the area. At weekends, both officers were generally cross-deployed to assist with visits leaving no staff in the property store on Saturdays and Sundays. Some processes previously undertaken in the property store had been relocated to other industrial areas, such as the laundry, in the light of the decreased staffing in property.
- 6.12 Despite these processes being moved to another area of the prison, staff in the property store were struggling to keep on top of the constant demands required of their role. With only one staff member working in the store at most times there was little chance of property processing being kept up to date. This was evident in that whilst there were some storage systems in place, the space itself presented as disorganised and messy.

Prisoner Induction

- 6.13 The pre-inspection prisoner survey results showed that respondents were less distressed when first arriving at Acacia in 2013 than they were in 2010. Further, two-thirds of prisoners who responded to the survey felt that they had received enough information to understand how the prison works and more than half said that staff helped them when first arriving at Acacia.
- 6.14 All prisoners arriving at Acacia must go through an induction process. This is facilitated by an induction officer who works out of the induction accommodation block. The induction program runs for one week and commences each Monday, with different induction activities scheduled each day of the week.
- 6.15 When prisoners first arrive through reception at Acacia, they are greeted by a peer support prisoner who works closely with the induction officer. This prisoner provides a brief explanation of the basic expectations of life at Acacia. His initial conversation with the new arrivals is brief, taking into consideration they may be tired, hungry, or frightened, or all three. His induction speech covers:
- Unlock and lockup times;
 - Prisoner population counts during the day;
 - Recreation times and access;
 - Library opening hours;
 - Bedding and clothing exchange days and times;
 - Medication issue times; and
 - Guidelines around smoking.

- 6.16 Engagement in the induction process is compulsory and prisoners must sign that they are aware of the code of conduct expected of them during the induction program. It also details the consequences of refusing to participate in the program, which can include repeating the full induction program, loss of recreation, restricted use of the vending machine privileges and even confinement to the detention unit.⁷⁴
- 6.17 During induction sessions, prisoners are escorted around the prison for a physical orientation. They are also taken on a tour of the industry area to see the different kinds of employment available to prisoners. Once a prisoner has completed the induction program he may stay in the induction block for between three and eight weeks until he finds suitable employment and a space in another accommodation block becomes available.
- 6.18 Overall the inspection found that the induction processes at Acacia were comprehensive and that prisoners, having gone through a week-long induction program, should be confident in understanding the expectations required of them and how best they can structure their lives at Acacia.

Clothing and Bedding

- 6.19 Seventy one per cent of prisoner respondents to the pre-inspection survey rated laundry conditions and processes as good, slightly above the state average of 68 per cent. The laundry washes prisoners' linen weekly on different days for different residential blocks. Prisoners also receive clothing exchanges through the laundry so if any item of a prisoner's clothing is damaged, he may exchange it for either a clean, undamaged recycled item or a new item.
- 6.20 During the inspection around 20 prisoners were working on each shift at the laundry. In addition to washing bedding, the prisoners also sort out clothes for the clothing exchange and compile the clothing kits for new prisoners. One prisoner working in the laundry is responsible for repairing damaged items of clothing that are repairable. This prisoner also makes the pillows used by prisoners. The pillows are made out of old mattresses that have been washed and sterilised.
- 6.21 Whilst clothing quantity, quality and supply was adequate during the inspection, the inspection team did discover that this had not been the situation in recent months. Some prisoners complained of a lack of underwear and socks for extended periods. This came about when the laundry started receiving new white socks instead of green, and the Bonds underwear brand was introduced. These items quickly became highly desirable amongst the prisoner population. In order to have their socks and underwear replaced with the new brands, prisoners had to demonstrate that their own issue was either damaged or missing. When the laundry staff looked into why they ran out of the new socks and underwear within a few days of the order coming in, they discovered that prisoners were either purposefully damaging their old socks and underwear, or throwing them away, in order to receive the new white socks and Bonds underwear. To rectify the situation, the prison returned to supplying the older brand of socks of underwear.⁷⁵

74 Acacia Prison, Induction Program – Code of Prisoner Conduct.

75 The surveys for this inspection showed that prisoner satisfaction with clothing had declined since 2010. This was probably influenced by the fact the 2013 survey was conducted when the prison was still short of socks and underwear.

Prisoner Accommodation

- 6.22 In order to preserve the personal and environmental hygiene standards of prisoners' cells, officers conduct cell and hygiene checks after unlock each weekday morning. The cells and the communal areas in all the accommodation units at Acacia presented as clean and tidy during the inspection. Prisoner satisfaction with their living conditions was generally high as evidenced in the pre-inspection prisoner survey responses, with 69 per cent of respondents satisfied that unit conditions were 'good' and 68 per cent of respondents satisfied that their shower/bathroom conditions were 'good'.
- 6.23 On a larger scale, the catering management team have undertaken regular environmental health checks relevant to the kitchen and food production areas within the prisoner units. These have included monthly swabs taken of kitchen surfaces for microbiological testing as well as random testing of samples of food produced in the kitchen.
- 6.24 The prisoner accommodation blocks appeared sturdy, but are showing their age. In the standard accommodation units, the air conditioning ducts in the high ceilings were not clean and water seepage from the heat pump units had caused significant rust staining to the external walls. Inspection staff observed dilapidated shelving, degraded electronic wiring, and untidy electrical extension cables and plug boards verging on dangerous across many of the units. The internal yards were kept well, but as with the rest of the prison, the lawn areas were degraded. The isometric exercise equipment was kept shaded and in working condition. The communal areas in the accommodation units were as clean and tidy as possible given the amount of wear and tear imposed on these units.



Figure 9: The dusty air conditioning units in the accommodation blocks

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- 6.25 The cells in the accommodation blocks were sturdy but worn. Bunk beds were serviceable, although the vertical steps to the upper bunks were shallow and, in some instances, used as shelves. Shelving above beds in the self-care unit were observed to extend over both ends of the mattress. A prisoner of slightly above average height could bang his head on the shelves whichever way round he slept. Complaints were received about cell temperatures in both standard accommodation and self-care, claiming that it was cold in winter and hot in summer. Summer was reportedly the worst season for sharing a cell, with high temperatures and poor air flow in the cells.⁷⁶
- 6.26 Prisoners complained about the shortage of cleaning products and the heavily diluted solution that was supplied to clean the units, which was causing hygiene concerns amongst prisoners. This issue was brought to management's attention both during and after the recent inspection, following which Serco management claimed it was taking steps to address this issue.

Food and Nutrition

- 6.27 The inspection findings about food provision at Acacia mirror the positive findings of the inspections in 2007 and 2010. The reports of both of those inspections commented on the innovative practice of providing three meal choice options for prisoners for the evening meal, one being a vegetarian option. In the 2010 inspection report, the Inspector noted that:⁷⁷
- [i]t is disappointing that the public sector prisons have not been able to match or come closer to Acacia's meal choice arrangements over the past three years.
- 6.28 In 2013 the meal production industry at Acacia continued to deliver a quality service, not only in the provision of an appropriate amount and standard of food to prisoners and staff, but also in relation to training and employment opportunities for prisoners. The 2013 pre-inspection prisoner survey revealed that 61 per cent of prisoner respondents said the amount of food was 'good' and just over half (52%) rated the food quality as 'good'. Both of these results are improvements on the 2010 survey results and exceed the state average.
- 6.29 The kitchen provides lunch and dinner for prisoners. Breakfast (toast and cereals) is a self-service model which prisoners help themselves to in the units. Lunch is the same for all prisoners. Dinner is a choice of three options, one always vegetarian. Prisoners need to choose their evening meal two weeks in advance and this is done via the CMS kiosks. If a prisoner does not pre-order a meal, he will receive the default meal of the day.
- 6.30 A weekly choice of kangaroo stew for all prisoners is provided predominantly for culturally appropriate reasons. Aboriginal prisoners claimed that the kangaroo options were not prepared in an 'Aboriginal' way, but rather kangaroo was simply substituted for other meats in casserole-style meals. They would like to see more traditional Aboriginal options served in the weekly menu.

76 In 2014, the Office of the Inspector of Custodial Services will be undertaking an audit of cell temperatures in Western Australian prisons. This audit will include recording ambient temperatures, humidity and the potential for heat and cold stress. The report is due for completion in 2015.

77 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) 35.

Religious and Spiritual Needs

- 6.31 The chaplaincy at Acacia is busy, proactive and well regarded. There are three chaplains, one coordinating chaplain, one other full time chaplain and one part time chaplain. Between them they carry out an important role in nurturing the community of faith amongst those prisoners for whom this is integral to their lives. As well as a lot of informal one-on-one conversations with prisoners as they walk around the prison, the chaplains also coordinate between eight and 10 religious group gatherings each week across diverse faiths. Sixty two per cent of prisoners who responded to the pre-inspection survey said they would trust the chaplains to support them if they had a problem. This is second only to trusting other prisoners for support (66%).
- 6.32 The faith centre located in the education centre is used for various religious services. Muslim prisoners coordinate a Friday prayers session in the centre each week. On Saturdays prisoners attend a meditation session facilitated by a Buddhist nun. On Sundays, Christian services are held and Muslim teachers also come into the prison.
- 6.33 The chaplaincy has undergone some changes, particularly in the way they are included in other prison processes. This was attributed mainly to the dynamic approach that the relatively new Assistant Director, Resettlement had taken in raising the profile of the chaplains and the service they provide and in integrating these services with other prison functions. The chaplains were most appreciative of this approach.
- 6.34 The main concern for the chaplains is staffing. They feel swamped with prisoner numbers at present. A proposal they submitted for three more chaplains only resulted in one more day of chaplaincy per week. They are concerned that their ability to just 'lurk with pastoral intent' is being impeded by increasing prisoner numbers and demands, a situation only likely to increase when the expansion project is completed.

Recreation

- 6.35 Recreation is vitally important in every prison. It provides a positive outlet for energy and frustration, and helps prisoners to maintain their mental and physical health and to develop skills to help them re-integrate into society. The recreation services provided by the recreation officers working in the gym at Acacia are very good. The gymnasium is large and well-maintained and the equipment, when compared with other prisons, is probably the best in the state. Sixty-five per cent of respondents to the pre-inspection prisoner survey rated the amount of organised sport at Acacia as 'good', while just over half (51%) responded that their access to other recreation was 'good'. Recreation was also listed as one of the three good things prisoners liked about Acacia, although prisoners commented that they would like more time to participate in recreation.
- 6.36 Each accommodation block has access to the gym and/or oval for two hours each weekday, divided into two one hour sessions, one in the morning and one in the afternoon. The protection prisoners and the assisted care prisoners can access the gym or oval for just under an hour each day between 5.10 pm and 6 pm. Each accommodation block is also equipped with outdoor static exercise equipment that can be used throughout the day.

- 6.37 Organised sporting activities, such as football and soccer, occur on Saturday and Sunday mornings. Spectators are encouraged to attend these events to support the teams but are limited to 30 prisoners per block. This limit is in place to avoid the potential security risk of too many prisoners being around the oval at the same time. Even so, the quota of 30 per block means there may be up to 150 prisoner spectators watching sport on the oval at any one time. This requires careful management and at times it will be necessary to keep certain groups or individuals apart.
- 6.38 There are a variety of other fitness programs available for prisoners through the gym. These are facilitated by the recreation officers, but many are either prisoner-led, or require a degree of self-motivation on the part of the prisoners taking part. The ‘biggest loser’ is one such program. Based on the television series, participants need to engage in an exercise and healthy eating regime in a competition against others to lose the most weight. The recreation officers monitor contestants’ progress and arrange structured fitness sessions during the competition.
- 6.39 The recreation officers offer prisoners the opportunity to participate in ‘fitclub’, an organised fitness program suitable for prisoners with basic fitness levels designed to steadily increase fitness. As prisoners become fitter, they can progress to the most advanced fitness program called ‘crossfit’. This is quite a competitive fitness concept. At Acacia the recreation officers also participate in this program and compete against the prisoners, thus adding to the motivation and healthy competitiveness amongst the prisoners.
- 6.40 Inspection team members observed other fitness and exercise programs that the recreation officers were not directly involved in but were led by prisoners. One of these was a circuit training session. The general fitness equipment was also well utilised, as was the weight training room.
- 6.41 There are six recreation officers working at Acacia, three on each shift. One officer must remain in the office area at all times as they are responsible for recording prisoner movements in and out of the gym, supervising prisoner use of the equipment and issuing gym equipment to prisoners (tennis racquets, basketballs, etc). Another recreation officer in the gym can facilitate programs like those listed above. The third recreation officer must be out on the oval observing prisoner exercise outside.
- 6.42 The biggest problem is, again, the issue of staff shortages and cross deployment, a lot of which are driven by staff leaving the premises on ‘hospital sits’. The recreation officers at Acacia are fully trained custodial officers, which means they can be called upon to provide cover throughout other areas of the prison that are short on custodial staff. At the very least this cross-deployment results in the termination of fitness programs and at the very worst in the gym being closed, much to the disgruntlement of the prisoners scheduled to use the gym and oval at the time. The gym was closed on at least two occasions during the on-site inspection period.
- 6.43 The expansion project will see up to 387 more prisoners requiring recreation access at Acacia. There will not be another oval or another gym. The only addition will be a small

space that is being added at one end of the gym. Whilst the recreation officers expressed concern that this may not be sufficient, they have nevertheless channelled their optimism into a vision for recreation opportunities at Acacia when the extra prisoners arrive. This vision has been presented to the Acacia senior management team who were reportedly impressed. The vision looks forward to a ‘re-profiling’ of the gym into a space for prisoners to learn and develop healthy lifestyles, and to increase training opportunities for prisoners within a recreational context, including certificates in fitness, first aid and umpiring. Overall, the vision is for a more holistic integration of the gym into other areas of the prison, such as the health centre, with a view to using medical expertise in developing rehabilitation and other programs for prisoners. This vision is truly visionary but it cannot be realised if the recreation officers keep getting cross-deployed. With an extra 400 prisoners, recreation must be significantly expanded.

Recommendation 18:

Acacia should:

- (a) Cease the cross-deployment of recreation officers; and*
- (b) Ensure that appropriate additional physical resources and staffing are available to meet current and future demand for recreation.*

Prisoner Purchases

6.44 The canteen system at Acacia provides a good service to prisoners. Prisoners can order their weekly items through the CMS kiosks. All the items available for purchase through the canteen are listed on the screen making it very easy for prisoners to make their choices. Also clearly visible on the screen is the amount of money prisoners have in their accounts to spend on canteen purchases.



Figure 10: CMS screenshot demonstrating how prisoners can purchase items from the canteen

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- 6.45 There are vouchers available for purchase through the canteen. These vouchers provide prisoners with a means of saving up for expensive canteen or town spends items that they would not otherwise be able to purchase due to the limit on the amount they can spend each week. Purchase of these vouchers counts towards a prisoner's weekly maximum spends amount.
- 6.46 The results of the pre-inspection prisoner survey with regard to prisoners' views on the canteen at Acacia mirror those of prisoners surveyed three years ago. In 2010, 64 per cent of prisoners said that they thought the canteen was 'good'. In 2013, 63 per cent think it is 'good'. The consistency of this response is significant, particularly given the change that has occurred in issuing the canteen spends to prisoners. Whereas previously, prisoners would attend the canteen on their designated day to receive their orders, orders are now pre-packed and delivered to the units where they are distributed to prisoners by officers. The rationale behind this was the impending expansion and the difficulties associated with escorting large numbers of prisoners across the prison site to collect their orders.
- 6.47 The physical layout of the internal stores area has changed and the current canteen is located in the old Sodexo maintenance area. Serco engaged external specialists in the field of supermarket design to develop the physical and procedural components of the new operational area. The new design of the area is innovative and resembles a supermarket, complete with a conveyor belt and scanning machine. Prisoners working in the canteen will collate prisoner purchases from goods off the shelves and pass the items through the checkout for another prisoner to scan and process. It is a fit for purpose design, rather than one that has been made to fit the physical and functional requirements of the area. Importantly, the new design will also increase capacity for prisoner employment and opportunities for traineeships such as Certificate II in retail checkout procedures.
- 6.48 The town spends system was more complicated than the canteen system at Acacia, and generated significantly more complaints from prisoners. There are two aspects to the town spends system at Acacia. First, there are town spends items that are generally more valuable than the canteen items but are kept in the stores area on-site and can be purchased through the CMS kiosks. Secondly, there are items prisoners wish to order that need to be brought in from outside. These are not available through the CMS system but must be ordered using a manual town spends order form. This latter system generated most of the prisoner complaints, all of which were about the lengthy wait times in receiving these orders.
- 6.49 There did seem to be an unnecessarily bureaucratic approval process for these manual town spends orders. The order had to be approved at four levels: an officer, then the unit manager, then the line manager and finally a director. Once the order was approved it was sent to staff in the supply chain/procurement section. Once received, the item was then sent to the property store in the reception area to be logged onto the prisoner's property record. The inspection found that this is primarily where the lengthy waiting period arises because the area is frequently understaffed due to cross-deployment.⁷⁸

78 See also [6.11]–[6.12].

- 6.50 Inspection team members were told of plans to resolve the lengthy waiting times. This involves some infrastructure changes, procedural changes and a significant change in IT systems that will see an interface with the CMS system and TOMS. These changes should resolve some of the prisoners' complaints about the town spends system, in particular the lengthy wait for the items to be recorded onto prisoners' property sheets. These changes are a few years' away, however.⁷⁹

External Contacts and Communication

- 6.51 Social visit sessions take place on Fridays, Saturdays and Sundays at Acacia. Visitors arriving at the prison must attend the external visits centre for processing before their visit. Visitors can deposit money into prisoners' private cash and/or phone account which is facilitated by staff working in the centre.
- 6.52 There is an external crèche, operated by accredited child care workers, for those visitors who do not wish to take their children into the prison with them. Alternatively, the children can play in the crèche inside the visitor's centre.
- 6.53 The spacious visits centre inside the prison is impressive and functional. There is a child play area in the corner, equipped with toys and a DVD player. All children are supervised when playing this crèche. Prisoners can purchase snacks and hot or cold drinks for their visitors from the vending machines, however these services are likely to be surpassed when the new visits café opens.⁸⁰



Figure 11: Child play area in the visits centre

79 This Office was informed that in February 2014 the internal procedure for approving prisoner town spends was simplified to speed up waiting times for items purchased through town spends.

80 More information about the café in the visit centre can be found in Chapter 9.



Figure 12: Acacia visits centre

- 6.54 Family oval days run three times per year and are a popular incentive initiated by the resettlement team. The prisoner's family are offered the opportunity to spend time with the prisoner in a relaxed environment on the oval. Family days work as a good management tool as the prisoner is only permitted to go if they have had a good conduct record for the three months prior. The inspection team heard that regulations around the popular family day visits had recently changed, so that only direct family members could participate. That change was not popular and we were told by prisoners that appeals against that ruling had not been responded to by the senior management team.
- 6.55 Prisoners on life sentences are offered a few additional visits sessions per year. Lifers can invite their family into the prison twice a year, where the prisoners' family can gain more of an insight into how their family member lives. The program, known as 'Snapshot through the Window', is beneficial for family members, particularly those with young children, whose expectations of life inside prisons are often based on television programs. Those lifers without direct family have the option of attending two additional visits per year where prisoner can invite their close friends, extended family and mentors into the visits centre.

- 6.56 Prisoners may also be able to have a social visit through Skype on those days not reserved for social visits. To access Skype, prisoners need to prove that:
- They had been living in a remote location within Western Australia, interstate or overseas;
 - Their immediate family was living in a remote area in Western Australia, interstate or overseas and that this increased the prisoner's social isolation by not being able to have them visit; and
 - They had had social visits with family or friends whom they now want to contact by Skype.
- 6.57 Acacia has been one of the pioneers of Skype and further progress has been made since 2010. The process around booking and attending the session is consistent with Acacia's responsible prisoner model, the Skype facility is well utilised, and demand will only increase as the prisoner population increases.
- 6.58 However, progress at Acacia and other prisons has been slow and there is clearly an opportunity for such technologies to be far more widely used. At Acacia, as there is only one Skype portal for 1,000 prisoners, the current restrictions and priorities appear necessary. But it is most unfortunate that Skype is not more widely available. The Department has tended to raise issues of 'security' (usually not articulated in any detail) when this Office has promoted such technologies. However, the threats posed by Skype should be capable of being managed and would appear less than physical movements and contacts. Ultimately, the Department's position seems to have been driven more by lack of interest.
- 6.59 This Office can see no reason in principle why prisoners and their families should not be able to choose Skype visits, even if they are from the metropolitan area. There may be financial, family, time or health reasons why a physical visit to Acacia is not feasible for some people. Practices of this sort have been commonplace and secure in a number of South East Asian countries for years. Even small countries such as Singapore have used 'E-Visits' to get over the problem of 'tyranny of distance'. Innovative thinking should also open up the opportunities for Skype or similar technologies to be more widely used in areas such as medical consultations and assessments.

Recommendation 19:

All prisons in the state, including Acacia, should innovatively expand the use of Skype or other on-line technologies to facilitate family and community contact, official appointments, coverage of significant occasions and connection with communities.

Chapter 7

HEALTH AND MENTAL HEALTH

General Health Care

- 7.1 The 2010 inspection report concluded that ‘health service provision at Acacia is the best in the State’.⁸¹ This inspection found that medical services at Acacia continued to be innovative. The medical centre experienced sound strategic management and planning and focused on preventative health care, health care education and chronic disease management. Unfortunately, despite these strengths the inspection identified a number of problem areas.
- 7.2 There has certainly been a sharp decline in prisoner satisfaction with Acacia’s general health services, dental services and mental health care since 2010. In 2010 the surveyed prisoners rated Acacia’s services significantly better than those provided in state prisons. However, by 2013, prisoners’ perceptions of Acacia’s health care services had significantly declined and were worse than the state average. These negative perceptions were also reflected in the level of health-related complaints made during 2012–2013. Acacia prison received more health-related complaints than any other category of complaint (92 out of a total of 595 complaints).
- 7.3 The waiting time to see a doctor or medical specialist was contributing to prisoner dissatisfaction. Many prisoners criticised delays in the pre-inspection survey and their views were confirmed by service providers who reported many complaints from prisoners in regards to waiting times for medical appointments. Similarly, prisoner complaints regarding delayed access to medical treatment were one of the three highest areas of complaints to the Independent Visitor Service since 2011. Waiting periods at the time of inspection were reportedly around six to eight weeks, depending on the service.
- 7.4 The waiting time for a doctor’s appointment at Acacia was six weeks, driven heavily by low staffing levels and the additional responsibilities of the doctor, who had recently begun servicing prisoners at the Wandoo Reintegration Facility. The medical manager also reported that prisoners’ health needs have been getting more intense. The complexity of the patient profiles had also been increasing and so too is the average age of prisoners.⁸²
- 7.5 All prescribed medication was provided in Webster packs. Patients in the assisted care unit complained about having to walk to the medical centre for medication rounds. For those whose walking was impaired, the walk to the medical centre at the other end of the prison was onerous.⁸³

81 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) v.

82 A large proportion of Acacia’s prisoners are Aboriginal people, and the prison’s aged population is also growing. Aboriginal and Torres Strait Islander people suffer a burden of disease two-and-a-half times that of other Australians. Much of that burden is due to chronic diseases such as cardiovascular disease, diabetes, cancer, chronic respiratory disease and chronic kidney disease. See OICS, *Code of Inspection Standards for Adult Custodial Services* (2007) 54.

83 Discussions with patients in the assisted care unit (11 November 2013).

- 7.6 An interesting new initiative was the Health Matters forum. Acacia's Health Matters – Be Involved initiative is intended to enable prisoners to 'communicate their health care problems' and 'to feedback on Acacia's health care services'.⁸⁴ The Health Matters group members consist of clinical and other staff and prisoner representatives from each block who meet monthly to discuss health related issues. The forum is led by the practice team manager (nurse) and is cross disciplinary, including safer custody, counselling, and other staff groups as well as a representative group of prisoners. The manager said that it is a good communication forum, and provides good feedback to prisoners. The effectiveness and credibility of this process will need to be monitored over time.

Mental Health Care

- 7.7 It is universally acknowledged that rates of mental illness and impairment are higher in prisons than in the general community. As in 2010, Acacia's mental health service reportedly treats around 10 per cent of the prisoner population for active mental health issues and there are many other prisoners with mental health needs that are less acute but nevertheless challenging.
- 7.8 The wait for mental health services was approximately two months at the time of the inspection. The mental health care staff reported that the introduction of the CMS kiosks had increased prisoner requests for counselling services. Medical centre patients told the inspection team that there is an urgent need to have someone to speak with on an ongoing basis about their problems. These prisoners reported that the sort of counselling they would like did not need to be from a psychologist, but that someone with social work training or even just a good listener would be sufficient.

Custodial Staff Mental Health Awareness Training

- 7.9 The 2010 staff survey results found that staff believed they had inadequate training to cope with managing prisoners with mental health issues. Serco attempted to address this problem and introduced a number of mental health first aid training sessions. Still, during this inspection, 63 per cent of staff who completed the survey reported that they had not been adequately trained in the management of prisoners with mental health issues.

Management of Prisoners At-Risk

- 7.10 The Prisoner Risk Assessment Group (PRAG) is a multi-disciplinary forum made up of psychologists, the mental health nurse and unit custodial staff. They meet regularly to discuss prisoner needs and develop risk management plans and monitoring requirements for those identified to be at risk. The prisoners discussed are those who have been placed on the At Risk Management System (ARMS) as a result of actual self-harm, attempted self-harm or not coping for various reasons.
- 7.11 Each PRAG meeting included the unit officer responsible for managing the prisoner being supported through the PRAG process. The PRAG session witnessed during the inspection demonstrated well-informed contributions from the officers attending.

84 McRaith, N, Manager Medical Services, OICS *Inspection of Acacia Prison- Functioning of Health Services at Acacia Prison* (23 August 2013).

Plans for Mental Health Unit

- 7.12 At the time of the inspection Acacia mental health services were working with the State Forensic Mental Health Service on the development of a partnership to establish a residential area at the prison with a direct mental health focus. The plans involved a holistic approach, including specialised services such as occupational therapy, social work and group sessions. Medical centre staff reported that the unit currently operating as the geriatric care unit would provide the best facility for a dedicated mental health unit, however this would result in a need to relocate the prisoners currently housed in this unit. It has an open kitchen area, and a large room that could be used therapeutically. This unit would allow for both privacy, and the ability to easily supervise patients. The provision of a dedicated mental health unit fits within Serco's role of providing innovative leadership for the prison system and will enable specialised work and group work with mental health patients.

Alcohol and Drug Issues

- 7.13 For those prisoners on methadone, the methadone program runs well. Prisoners on methadone were interviewed as a group and all were very complimentary of the pharmacotherapy nurse. Methadone is the main strategy for reducing the harm associated with needle sharing in prisons. In other prisons, prisoners can initiate access to the methadone program however at Acacia the numbers of methadone patients have been capped, by the Department, at 80. Restricting the number of prisoners who can access methadone at Acacia may increase the incidence and risks associated with intravenous drug use and appears inequitable when compared with state run prisons.
- 7.14 One of Acacia's PLFs requires prisoners to be offered support within five days of being found guilty of returning a positive urine result. This requirement is designed to assess the level of need and to encourage the prison and prisoners to take action to reduce use, not just testing. It is a unique requirement of the Acacia contract, as no such follow-up is required at state prisons. However, as support options at Acacia are extremely limited, the offer of support appears rather tokenistic.⁸⁵ Access to drug and alcohol counselling at Acacia is inadequate with counselling staff only able to provide services to prisoners at-risk of self-harm, with wait lists of up to two months. The bulk of alcohol and drug support is provided by peer prisoners, employed as drug and alcohol workers. These prisoners are provided with training and supervision and their services were commended by both programs staff and prisoners. They are obviously a valuable asset, but are a poor substitute for professionally trained drug and alcohol counsellors. Serco recognises that the implementation of this PLF needs to be more meaningful and, at the time of the inspection, was unlikely to meet this PLF measure.

85 In responding to the draft report, Acacia said the PLF was designed to "assess the level of need by asking the prisoners if they wanted intervention for their substance misuse. It was never intended that Acacia would offer a range of interventions".

Acacia's Proposed Drug Strategy

- 7.15 Acacia has been working on detailed plans for the development and implementation of a comprehensive drug strategy. At the time of the inspection it was planning to seek innovation funding for a residential drug rehabilitation program that would include counselling, assessment, referral and comprehensive throughcare.⁸⁶ Acacia is eager to use one of the new accommodation blocks as the residential treatment site where they intend to provide a holistic therapeutic treatment facility and service. The Deputy Director leads the project and has a strong commitment and understanding of alcohol and drug issues. He is supported by a drug strategy committee whose members include security, health, PAST nurse and the programs area.
- 7.16 Acacia has recruited a consultant from the National Drug Research Institute, to review its drug strategy. The findings concluded that the Acacia drug strategy was consistent with national, state and international guidelines. The report recommended that the voluntary alcohol and drug programs be evaluated and alcohol and drug training for staff be expanded. This Office agrees with these recommendations. To date, however, whilst the ideas and plans are good, the resources to implement them have not been allocated.

Dental Care

- 7.17 Acacia is the only prison in the state – probably in Australia – that offers a full-time dentistry service. In the lead-up to the inspection, Acacia's dental services had no waiting times for acute problems and an eight to 10 weeks waiting period for routine dental appointments.⁸⁷ The dentist provides a full range of services from fillings through to complete sets of dentures. Treatment was aimed at maintaining good oral hygiene and there was an emphasis on restorative work rather than tooth extraction. This restorative approach is far superior to the approach taken in most Western Australian public prisons where, to date, resources have not allowed for restorative work.
- 7.18 Restorative work was being run in conjunction with addiction services. The initiative supports patients who have suffered from oral decay and disease due to drug misuse. The dentist utilised before and after photography to demonstrate the progress and changes in oral health for these individuals. Positive results reportedly included improvement in individuals' oral care and self-confidence.

Other Health Care Services

- 7.19 The physiotherapist attends the prison two days per week. The physiotherapist treats acute soft tissue and muscular pain and also works with recreation staff to develop exercise programs aimed at fitness for those with chronic illness and post-injury rehabilitation. The physiotherapist ran a back-strengthening course for prisoners with pre and post course assessments reportedly demonstrating positive results. The service was provided on a timely basis, with an average waiting time of 10 days for an appointment. An optometry service is provided once per month and podiatry services twice per month.

86 S Carruthers, *An Independent Evaluation of the Acacia Prison Drug Strategy: A commissioned report of the Acacia Drug Strategy and the Current Supply, Demand and Harm Reduction Strands*. National Drug Research Institute, Curtin University (September 2013). Acacia's GP also advocated a specialised therapeutic model, based on evidence-based harm minimisation, and holistic care using a variety of providers.

87 Acacia Prison, *Aboriginal Prisoner Action Plan 2012–14*.

Health Services for Aboriginal Prisoners

- 7.20 The area of Aboriginal health care services was performing well. The health centre employed an Indigenous Enrolled Nurse who worked in cooperation with the local Aboriginal Health Liaison Officer. The Indigenous Enrolled Nurse encouraged Aboriginal prisoners, including out-of-country prisoners, to establish greater engagement with health services. Since the appointment of the nurse, more Aboriginal prisoners had started to visit the health centre, knowing they could liaise with an Aboriginal staff member. The Indigenous Enrolled Nurse also spent considerable time visiting the units to build relationships with those Aboriginal prisoners who were not attending the health centre. The Indigenous Enrolled Nurse worked with the mental health and peer support teams to enhance the mental well-being of Aboriginal prisoners and provide cultural awareness and support for the medical staff.
- 7.21 Acacia offers a suite of individual and group health education for Aboriginal prisoners. This includes the Living Improvements for Everyone (LIFE) program, run in partnership with North Metropolitan Area Health Service. The program provides a holistic model of care for the management of chronic conditions in Aboriginal communities and addresses the complex socioeconomic, cultural and environmental factors that are known to influence Aboriginal health. Acacia is also developing further services for Aboriginal prisoner health. Key strategies included developing a partnership with stakeholders to address culturally appropriate Aboriginal male health needs and delivering eye health and diabetes education programs.

Chapter 8

REHABILITATION AND RESETTLEMENT

Individual Case Management

- 8.1 All prisoners serving an effective sentence of more than six months are provided with an individual Management Plan (IMP).⁸⁸ The IMP assesses the prisoner's psychological, educational and vocational intervention needs required to address their offending behaviour.⁸⁹ IMPs are developed in consultation with prisoners as well as treatment and education assessors. Most initial IMPs for male prisoners are undertaken at Hakea Prison within the first 28 days of their sentence, with regular reviews undertaken by respective prisons throughout the person's sentence.
- 8.2 When a prisoner first arrives at Acacia he is assigned a case management officer who is responsible for monitoring and reporting on his progress against the IMP. The case management officer is based in the residential units and is encouraged to maintain regular contact and rapport with prisoners so they can effectively report the prisoner's progress to the sentence management area.⁹⁰ Unfortunately, as previously noted, there had been a decline in interaction between case management officers and prisoners since 2010. These relationships are critical to effective case management and declining contact creates risks to both the quality of case management and the quality of information.⁹¹
- 8.3 The Acacia sentence management team conducts case conferences every Thursday morning. Here, the manager of the sentence management unit, the residential unit manager and a senior manager meet with individual prisoners to discuss progress against their IMP, review their security classification and placement and discuss any other matters of relevance. The case management team go to each of the residential units to hold the case conference. The process of visiting each unit, as opposed to prisoners attending a centralised location, minimises prisoner movements and ensures all prisoners are present and ready for their case conference.
- 8.4 The inspection team observed some prisoner case conferences, where the prisoners were advised of their rehabilitation plan for the upcoming months. During these meetings the manager of the sentence management unit clearly explained the situation to the prisoners. She offered to read the IMP report aloud to prisoners with low literacy levels and spent time ensuring each prisoner understood their IMP before signing. Discussions with prisoners afterwards demonstrated a clear understanding of their case conference and IMP. Overall, the sentence management team should be commended for their individualised approach and the time and effort they invest in prisoners.
- 8.5 Discussions with Aboriginal prisoners suggested that some prisoners felt intimidated by the case conference process, particularly the less literate. These prisoners would feel more comfortable if they were able to invite an advocate or supporting prisoner to their case conference to help them understand the process, however privacy restrictions may need to be addressed.

88 Department of Corrective Services, Adult Custodial Rule 18, *Assessment and Sentence Management of Prisoners*, [9.7.1].

89 Acacia Prison Director's Rule 3.2: *Sentence and Case Management – Administration of Sentence Management Plans* (13 November 2012).

90 Ibid.

91 See [5.2] which discusses the slippage of pro-social interaction between staff and prisoners.

Offender Programs

IMP Programs

8.6 The Acacia programs unit delivers five IMP courses that are incorporated into prisoners' rehabilitation plans. One of Acacia's PLF measures has been that 'more than 95 per cent of prisoners whose program requirements [are] approved in the Individual Management Plan (IMP) are delivered as scheduled'. The PLF now also requires that a treatment report is compiled within six weeks of course completion. Acacia is on track to meeting this requirement.

8.7 Unfortunately, Acacia has no control over the number of courses allocated by the Department and the PLF measure simply requires the prison to deliver what is approved. As with most prisons, the number of IMP programs at Acacia is limited. By far, one of the most frequent complaints from prisoners is the lack of offender programs.

The most glaring shortfall probably relates to programs to tackle substance abuse. Currently, Pathways is the only alcohol and drug specific IMP program available at Acacia. During 2012–2013, Pathways was offered just four times, giving only 40 places for the whole year. This number of places is far too low: over 100 prisoners have Pathways requirements on their IMP and many other prisoners have entrenched histories of drug and alcohol abuse.⁹²

8.8 Acacia caps the number of participants for each IMP course at 10 prisoners. Acacia programs staff mentioned that the Department is encouraging Acacia to increase course sizes to 12 prisoners, in line with other prisons in the state. Acacia programs staff felt reluctant to increase course sizes, fearing that this would degrade the quality of the course. Acacia needs to ensure that increased group sizes do not compromise quality but an increase to 12 does not seem unreasonable. However, while this would slightly enhance access, it would not come close to covering the current shortfall: that will require more programs to be delivered.

8.9 It was positive to see that since the last inspection, Acacia had introduced IMP programs specifically for protection prisoners. Each course is run every one or two years, in a secure classroom located behind the protection unit.

Voluntary Offender Programs

8.10 While the majority of prisoners at Acacia are serving sentences of more than six months, some are serving lesser sentences and therefore have no IMP. Without an IMP, a prisoner is not eligible to participate in offender programs. Acacia do however offer a number of voluntary courses for these prisoners, and anyone else, who wishes to address their offending behaviour. Some of these programs include Alcoholics Anonymous, Narcotics Anonymous, The Green Lighthouse, and Staying Clean.

8.11 In line with an inspection recommendation from 2010, Acacia continues to explore opportunities to introduce new and innovative offender treatment programs. Just prior to the inspection, the Acacia program coordinators introduced a program called COVAID – Control of Violence for Angry Impulsive Drinkers. The COVAID program was developed

92 Acacia is running another program called COVAID but this is not recognised as an IMP program: See [8.11]–[8.12].

by a psychologist from Cardiff University in Wales, and purchased by Acacia in 2013.⁹³ The program coordinators have tailored the program to make it more relevant for Aboriginal prisoners and commenced delivering the first voluntary sessions in October 2013. Ultimately, Acacia would like COVAID to be recognised as an official IMP program that can be rolled out across all state prisons, but the Department considers that there is insufficient evidence of the program's success in a local context. This needs to be kept under review as it is important not to stifle innovation.

Recommendation 20:

- (a) Acacia should increase the number of treatment programs offered to prisoners; and
- (b) The Department should ensure that it encourages genuine innovation in program delivery and does not simply require Acacia to deliver the Department's own suite of programs.

Resettlement

- 8.12 Acacia is one of the state's largest 'releasing prisons'. In 2012–2013, 765 prisoners were released directly from Acacia or transferred to another facility for release.⁹⁴ Preparing prisoners to re-enter the community has always been a significant focus for Acacia and the 2007 inspection report commended its re-entry services, stating that the 'processes and their coordination of service delivery represent excellent practice'. This led to a recommendation that the Department should replicate similar services throughout the state, something it has attempted to do with varying success. The 2010 inspection found that the level of re-entry service delivery at Acacia remained high, with innovative options and services offered to prisoners.
- 8.13 At the time of this inspection, staff in the resettlement area were just as enthusiastic but their resources were increasingly stretched. The number of resettlement staff had decreased, making it difficult to maintain all the services designed to assist a crime free transition to the community. The team comprised one resettlement manager, one full-time staff member and one part-time staff member and together they assisted around 850 prisoners per year.
- 8.14 Staff in the resettlement area accept responsibility for providing a range of services beyond their official duties, including helping prisoners organise suitable identification, assisting them to find accommodation and employment, assisting in arrangements for deporting foreign national prisoners, and sourcing clothing. On top of these duties, the resettlement team manage the relationships with external agencies that provide service under contract. Demand for resettlement services is so high (see Figure 13 below), that the resettlement manager employs nine prisoners to assist with some of the more administrative duties, such as assisting prisoners with their parole application. This initiative not only generates meaningful prisoner employment, it also ensures that prisoner support services are maintained despite a lack of staffing. However, if prisoners are involved in such activities, it is vital to ensure appropriate confidentiality is maintained.

93 Delight Training, *Structured Programs, COVAID: Control of Violence for Angry Impulsive Drinkers*, http://www.delight.co.uk/structured_programmes/structured_control.htm

94 Figures provided by the Department of Corrective Services.

REHABILITATION AND RESETTLEMENT

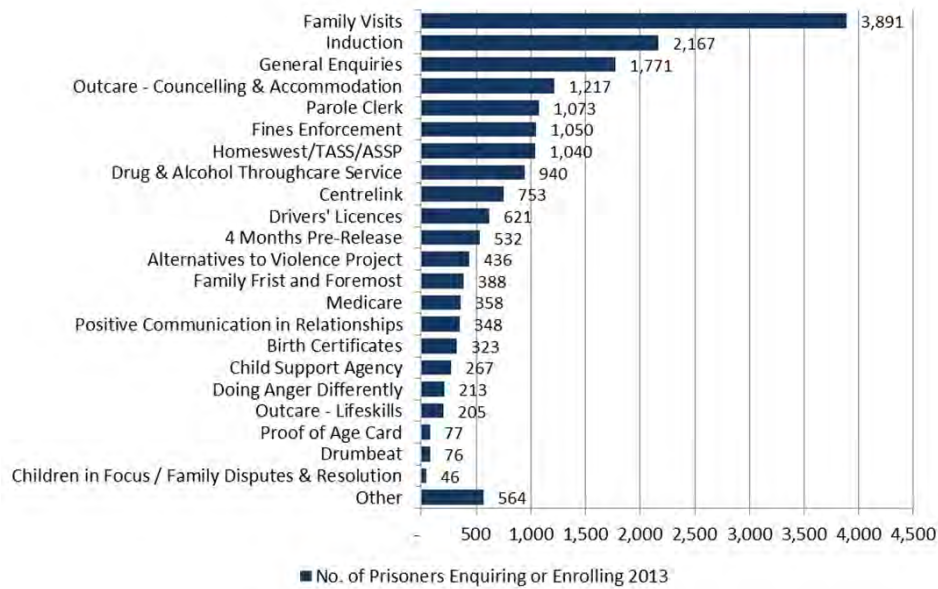


Figure 13: Demand for resettlement services

- 8.15 The resettlement area offers a range of voluntary programs to assist prisoners to transition back into society, as opposed to the programs area who focus on programs addressing the causes of offending. As demonstrated in the above table, prisoner demand for transitional programs is high. Unlike IMP programs, resettlement programs are not mandatory nor do they contribute towards a prisoner’s parole, suggesting that prisoners tend to enrol in transitional programs out of genuine interest. Since the last inspection, the demand to attend resettlement programs at Acacia has increased significantly. As a result, the resettlement team had cancelled a range of programs, including Doing Anger Differently, Positive Communications in Relationships and the Substance Treatment and Recovery Program.
- 8.16 Despite these cancellations, the resettlement team continued to run some innovative and popular programs. Many of the programs are intended to encourage regular, meaningful contact with prisoners’ families with the hope of reducing re-offending and improving outcomes for parents and children. Toddler Time allows special visits for children up to the age of three years, giving the father the opportunity to ‘get down on the floor’ with their children and learn how to manage their play in a constructive and enjoyable way. This activity takes place under the supervision of staff and the prison psychologist. Prisoners with young children can also participate in the Storybook Dads program, where they record a CD of their child’s favourite bedtime story with a personal message, sound effects and a personalised CD cover. The CD is then mailed to the child to play at home.
- 8.17 The Strong Spirit Strong Mind program was run at Acacia specifically to raise awareness of drug and alcohol issues amongst Aboriginal prisoners. The program received mixed results, particularly from the Wongi prisoners, whose low literacy affected the success of the program. It was the only Aboriginal-specific program run at Acacia, although the programs team had examined the possibility of providing the well-regarded Red Dust Healing program.

Chapter 9

PRISONER EMPLOYMENT AND EDUCATION

Core/Structured Day

- 9.1 Acacia aims to engage prisoners in meaningful and constructive activities⁹⁵ and to provide work that enables them to develop job skills that will assist them on release. However, as at most prisons in the state, providing meaningful employment for all prisoners is one of the prison's most challenging tasks. So much so, that whilst Acacia has met most of its PLF measures over recent years, it has consistently failed to meet the PLF which required the prison to keep at least 90 per cent of prisoners involved in structured activities for at least 30 hours per week.
- 9.2 During the 2010 inspection, this Office expressed concern with Acacia's core day, which ran from 8.00 am to 11.00 am and from 1.15 pm to 3.00 pm each day. Essentially the core day allowed just four hours and 45 minutes employment each day and was not a realistic reflection of employment in the community. Since the 2010 inspection, Acacia had introduced a system of morning and afternoon shifts. The up-side of this arrangement is that more prisoners have employment opportunities. The downside is that the working day is just three hours long for most employed prisoners. The aim was to have prisoners employed for half a day and then undertaking other constructive activities such as education for half a day.⁹⁶
- 9.3 In 2013, accepting that the existing PLF relating to employment was unrealistic, the Department and Serco negotiated a replacement measure. In essence, this now measures the number of prisoners employed with the number of employment positions available. This is an easier target to achieve and Acacia is on target to meet it. However Serco itself has some dissatisfaction with the measure and consideration is being given to other measures with higher expectations.

Employment, Unemployment and Under-employment

- 9.4 As in the public prison system, the level of prisoner gratuities depends on the type of employment, with the more intense and trusted positions being awarded the higher pay levels. Acacia conducts an assessment of each individual work area to determine the gratuity level. The prisoner daily pay rates at Acacia are as follows:

Level 1	\$9.35
Level 2	\$7.15
Level 3	\$5.61
Level 4	\$3.97
Level 5	\$2.94 (unemployed)
Level 6	\$0 (basic supervision)

- 9.5 Acacia's vision is to link the core day directly to gratuities. Under this system, prisoners who wish to attain a level one daily gratuity payment will have to be involved in full time employment as well as in some aspect of education. So the level one prisoner will divide his time between working one shift of the day and attending education in the other shift. This approach mirrors that which was implemented some years ago at

95 Acacia Prison Director's Rule 2.16: *Core Day* (1 August 2011).

96 See [9.5].

Bandyup Women’s Prison as part of a women-centred custodial management regime.⁹⁷

9.6 The following graph shows that too many prisoners (over 200, or more than 20%) were neither working nor undertaking full-time education at the time of the inspection. There also appeared to be a significant proportion of under-employment at Acacia with around 25 per cent of workers assigned to work in the units. The role of a unit worker (also called a block worker) is undeniably important for maintaining tidy and hygienic living areas, but it seems excessive to employ more than 30 prisoners per unit as unit workers. The tasks required simply do not take 90 hours per day (30 prisoners x 3 hours) of real work.

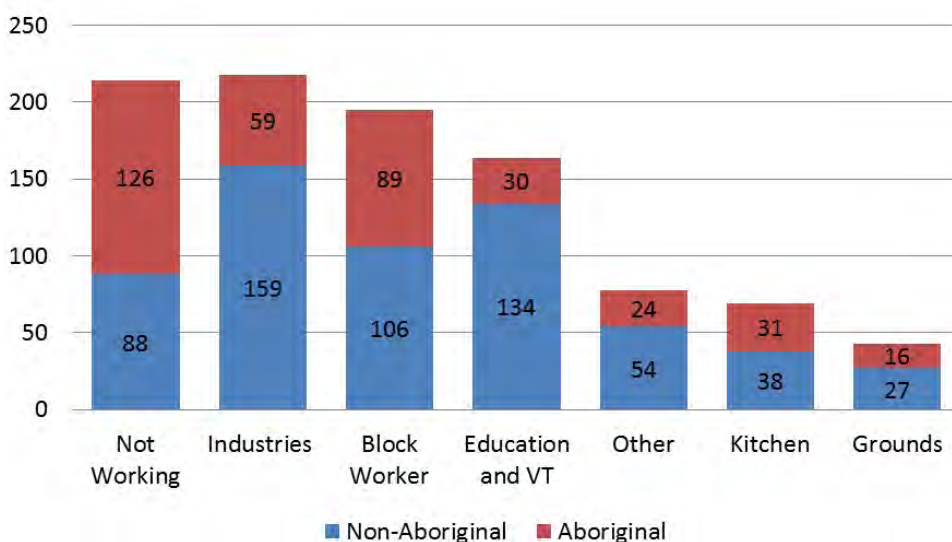


Figure 14: Prisoner employment numbers at Acacia, October 2013

9.7 The figures relating to Aboriginal and non-Aboriginal prisoners are of particular concern. Around 34 per cent of the Aboriginal prisoners at Acacia are unemployed and a further 24 per cent are block workers (a total of 58 per cent). Fewer than 15 per cent of the non-Aboriginal prisoners are unemployed and around 17 per cent are block cleaners (a total of 32 per cent). As a result Aboriginal inmates at Acacia are under-represented in the higher paying employment positions.

9.8 These patterns are not unique to Acacia and the underlying factors are many. Acacia has also recognised the issue and has trialled a number of initiatives to increase Aboriginal employment and skill development.⁹⁸ The prison also has high hopes for the opportunities that the expansion project could bring. However, the current employment figures are not what one should expect at a high performing prison in 2014.

97 Unfortunately Bandyup Women’s Prison is under such pressure from high numbers, poor infrastructure and poor services that its core day is no longer a reality across the site. See OICS, *Announced Inspection of Bandyup Women’s Prison*, Report No. 73 (August 2011).

98 See also [9.15]–[9.16].

- 9.9 Employment is a major factor in reducing recidivism and Aboriginal recidivism rates are too high. It is incumbent on Acacia and other prisons to improve the opportunities offered to people who lack, and need, work skills, a work ethic and the self confidence that comes with this. At present, many of the people employed in the best jobs at most prisons are already skilled and equipped to obtain work on release. The drive for commercial contracts and financial efficiency at all the state's prisons must be balanced with the over-riding priority of reducing recidivism and the financial consequences of recidivism to the state.⁹⁹

Recommendation 21:

Acacia should reduce levels of Aboriginal unemployment and under-employment.

Industries

- 9.10 The industries area prides itself on 'equipping prisoners with basic marketable employment skills, to assist with the goal of resocialisation and effective rehabilitation on release'.¹⁰⁰ Since 2010, Acacia had shifted their focus from simply keeping prisoners occupied, to becoming a fully functioning manufacturing set up. Prisoners employed in the industries area could work in laundry services, metal work, carpentry, fabrication, spray painting and light industries. Protection prisoners were offered the opportunity to work in a detached workshop in the areas of carpentry, metal work and leather work.

- 9.11 Many industry workers were on level one or two gratuities, and most already had some sort of trade qualification. The trade instructors working in the industries area reported minimal security concerns with prisoners, as most were enthusiastic and felt privileged to be working in the industries area.

Work in the industries area of Acacia was primarily driven by commercial contracts and at the time of the inspection, the industries manager had not experienced any problems sourcing projects. The prison had contracts to build camper trailers, skip bins, utility trailers, bed frames, fish tank stands, trailer assemblies, and limestone blocks. The expansion of the workshops area should provide an additional 20 prisoner work spaces, translating to an additional 30–35 positions if the core day remains the same, or an additional 90 if the roster moves to seven day operations.¹⁰¹

- 9.12 In 2012–13, one-third of the revenue raised by Acacia prison industries was expended on the refurbishment of the industries building to provide space for additional learning areas and office facilities. The remainder of the balance was returned to the State at the end of the financial year.

- 9.13 With such a high emphasis on commercial production, the industries area seeks to employ prisoners with trade qualifications or with a genuine interest in working in industries.

99 See also OICS, *Report of an Announced Inspection of Bunbury Regional Prison*, Report No. 75 (December 2011) and OICS, *Report of an Announced Inspection of Albany Regional Prison*, Report No. 78 (June 2012).

100 Acacia Prison Director's Rule 4.1: *Prison Industries* (5 October 2011).

101 At the time of the inspection, the seven day working week was an idea that was brought up by various staff to provide more prisoner employment options, however this Office found no evidence of Acacia planning to move operations to a seven day working week.

To assist prisoners gain re-entry skills, the application and interview process is replicated as close as possible to a job interview in the community. The biggest challenge facing the industries area is keeping prisoners engaged in the work they are doing. According to staff in the industries area, prisoners, particularly Aboriginal prisoners, are regularly suspended or dismissed due to a lack of interest in work.

Kitchen

- 9.14 There has been a drive in the kitchen to improve the number of Aboriginal prisoners employed. At the time of the inspection, just over 43 per cent of prisoners working in the kitchen were Aboriginal. This was an excellent figure and the catering manager said it had increased from 12 per cent over the last few years. The attrition rate amongst this group, however, was high as, according to the chefs, some of the prisoners lacked sufficient motivation to attend work in the kitchen regularly, particularly over weekends during the football season.
- 9.15 Staff working in the kitchen had started taking a lateral approach to how they could increase productivity and prisoner job satisfaction. A potential solution being considered was to create a level one employment position to be filled by an Aboriginal 'elder' working in the kitchen. The role of this position, in addition to the requirements of food production, would be to try and keep the Aboriginal kitchen workers motivated.

New Café in Visitor's Centre

- 9.16 A new café has been established in the visitor's centre. It was not operational at the time of the inspection, although prisoners were receiving training in barista skills with a view to the café opening a few weeks after the inspection. The café will replace the current



Figure 15: New café in the visit's centre

vending machines as a source of food and drink for prisoners and their visitors during the social visits sessions. Prisoners will be able to purchase items using the CMS kiosks in the visits hall.

- 9.17 The café will be staffed by two prisoners who will be offered training opportunities as part of their employment. These opportunities include training in barista skills and hospitality (food and beverages). This is part of a broader initiative to dramatically increase the training capacity in the food preparation and supply industry at Acacia. The new training kitchen, staff dining area and visits centre café all form part of the infrastructure that will physically accommodate these traineeships.
- 9.18 The construction of the café in the visits centre was funded in part by the Prisoner Welfare Fund.¹⁰² This is a fund set aside for activities, events or initiatives that will directly benefit prisoners and their families. So, for example, the family day social visits held on the oval also utilise monies from the Prisoner Welfare Fund. Any profits that are generated by the café will be filtered back into the Prisoner Welfare Fund.
- 9.19 The catering manager hoped to eventually prepare all the food and pastries on offer from the café in-house to maximise the learning opportunities for the prisoner trainees working here. Until then some of the pastries will be supplied by external suppliers.
- 9.20 The provision of the café in the visits centre at Acacia is a good change. A similar model exists at the publicly administered Boronia Pre-release Centre for Women and it has been very successful. At the least it provides a degree of 'normality' to an otherwise artificial social visit situation. At the most it provides prisoners and their visitors, including children, with a better variety of healthy food options.

Prisoner Employment and Remuneration Committee (PERC)

- 9.21 The establishment of the Prisoner Employment and Remuneration Committee (PERC) to continually review and improve employment opportunities and gratuity levels across the site remains a good innovation. One representative staff member from each prisoner workplace attends the committee meetings, along with at least one Assistant Director. Whilst it is not a new committee, having been in place at previous inspections, it is undergoing some operational changes which should see further improved processes.
- 9.22 Inspection team members were advised that there are two elements to the PERC concept. One is systematised and process driven and addresses immediate needs. Relevant PERC members attended these meetings weekly to discuss immediate employment matters including:
- A review of employment positions in relation to the gratuity levels they attract.
 - A review of the prisoners who have been suspended from their employment positions over the week. The weekly PERC meetings are an opportunity to assess the fairness or otherwise of the dismissal and discuss any other potential resolutions.
 - An opportunity to consider the alignment of employment positions and requirements with Serco's own Director's Rules and national standards.

102 The Prisoner Welfare Fund gets its money from the canteen (2% of canteen profits) and the coke machines (3%) and other certain activities which attract a fee.

- The approval process for the payment of extra gratuities to deserving prisoners – for example a prisoner is entitled to ‘overtime’ gratuity payments if he works extra shifts.

9.23 The second element of PERC considers prisoner employment at Acacia from a strategic and long-term perspective. The group members meet monthly to consider the broader strategic objectives of prisoner employment at Acacia. These are longer meetings and encourage robust discussion and presentation of ideas about what employment could look like at Acacia.

Education

9.24 Prisoners are encouraged to participate in a wide range of education and vocational training programs while they are in custody to help them secure employment while in prison and following their release. There were 164 prisoners enrolled in full-time education during the time of the inspection, however, disappointingly, Acacia only provided prisoners with access to 11 computers across the entire prison. Acacia has the lowest ratio of computers per head of the prisoner population in the state. The situation is worse than the last inspection and only marginally better than 2007 when prisoners were still permitted to have private computers. During the last inspection this Office made a recommendation to ensure prisoners have sufficient access to computers and electronic resources to facilitate educational studies, official correspondence and other legitimate needs.¹⁰³ The recommendation was supported in principle by the Department but clearly not actioned.¹⁰⁴

9.25 Students undertaking business studies courses have a high need for access to computers, as do the 41 external studies students. More concerning is that the lack of computer access will negatively impact the 30 students enrolled in the new core reading and writing units in the Certificates of General Education for Adults. As of 1 July 2013, students undertaking this course will be required to complete 50 per cent of their assessments using digital media. Access to the CMS kiosks can meet some of the requirements of adult literacy for students at lower levels if teachers incorporate CMS communication into their programs. Even so, the lack of access to computers will become an increasing problem in the future as more students enrol in the new literacy units.

9.26 The new education centre plans include access to 83 computers, three in most classrooms, 48 for external students and a computer lab with 14 computers. However, as the new buildings are unlikely to be commissioned before 2015, it is not adequate to simply wait for this development. Acacia is required to offer all 'at risk' students a place in general education classes if they wish to take it up. During the time of the inspection, there were 97 students undertaking basic education. Therefore this lack of access to computers will become an increasing problem over the next six months.

103 OICS, *Report of an Announced Inspection of Acacia Prison*, Report No. 71 (March 2011) Recommendation 7.

104 The recommendation was ‘supported in principle’ taking into account resources, budget and security implications.

Recommendation 22:

Acacia should immediately purchase a sufficient number of computers to meet the needs of adult literacy and numeracy students as well as external and business students.

- 9.27 The new facilities will provide more space to meet the educational and training needs of prisoners. However, the suggested total of 548,000 student classroom hours quoted in the Acacia Education Business Plan is most unlikely to be achieved in the short term as it would require at least double the number of staff anticipated.¹⁰⁵
- 9.28 There is strong evidence that Aboriginal prisoners generally have higher levels of educational need. Just prior to the inspection, over two-thirds of new Aboriginal arrivals to Acacia were deemed an educational risk. These prisoners need long-term and on-going educational services, and not just a few short courses. At present, Acacia is failing to offer this scale of service to the majority of inmates. The insufficient delivery of suitable education services is likely to be a key reason behind the low number of Aboriginal prisoners accessing education and training. And it does not augur well for reducing recidivism.

105 Acacia Prison, *Business Case Expansion +387, Education and Vocational Training* (5 November 2013).

Chapter 10

CONCLUSION: BALANCING THE 'HERE AND NOW' AND THE FUTURE

- 10.1 This was a very complex inspection. Over and above the operations and practices of the state's largest prison we also needed to examine contract management and the expansion project. Overall, we found the prison was still performing well in many areas but that in some areas performance had slipped from the very high levels seen in 2010. Some of the slippage was occurring because the expansion project was diverting energy and focus from the 'here and now', though this was not the only factor. The prison is clearly in a state of transition.
- 10.2 The sheer size of the expansion, especially the construction zone within the perimeter fence, was impossible to overlook and was generating numerous pressures. The addition of 387 beds is the equivalent to adding a new prison to the existing prison. Not surprisingly, the expansion project was generating a number of issues, including some immediate security risks, the challenge of operating a prison for 1,000 prisoners in such an environment, and the need to dedicate resources to future planning.
- 10.3 In terms of security, it is important to record that Acacia has never experienced an escape or a major loss of control. Our examination of the expansion project and building site revealed some significant risks with respect to physical security, procedural security and project management. Fortunately, these risks have now been better acknowledged and appear to have been addressed by the key parties. However, a build of this size and complexity will always present serious security challenges.
- 10.4 In terms of current performance, the prison continues to meet most of its contractual performance requirements, including a range of performance linked measures. It also continues to show innovation across many areas, the most tangible example being the Custodial Management System (CMS). CMS, while still experiencing some teething problems, is an efficient means for prisoners to self-manage their daily life at Acacia while freeing up officers to complete other duties. The potential of such systems has yet to be maximised.
- 10.5 Some of the other areas of good practice include:
- General prisoner care and well-being meets good standards (including food, access to religious services, adequate clothing/bedding, induction processes and recreation);
 - Dental care;
 - Focus on Aboriginal health; and
 - Resettlement services.

However, most of these areas were under some stress as a result of high prisoner numbers and limited staff numbers.

- 10.6 Many of the recommendations in this report involve areas where immediate action is needed if the transition to 1,400 prisoners is to be smooth and successful. Above all, it is vital to reinvigorate the focus on the 'here and now'. Unfortunately, with so much happening, staff at all levels, and management especially, appeared preoccupied with the expansion. Fortunately, this was recognised by Serco at the time of the inspection and

they committed to putting in additional 'grunt' and experience, in the form of extra management resources. They appear to have followed through on this but a number of issues still need to be addressed.

- 10.7 Acacia has always functioned with fewer staff than would be found in a publicly operated prison and even on its own staffing model, the prison appeared to be too short-staffed on too many occasions. As a result, officers were regularly being cross-deployed to other areas of work. This was creating some security issues, including low staffing levels in the detention unit. It was also leading to restrictions on activities for prisoners, including recreation. Access to recreation is a vital component of a stable prison, not an optional extra. Some of the cross-deployments were made necessary by shortfalls in the number of 'hospital sits' covered by the Court Security and Custodial Services contract but this was not the whole explanation.
- 10.8 This report has also recommended that Serco improve dynamic security. Dynamic security is the linchpin of a stable prison but officers were far too office-bound. Too many of them were either unwilling or unable to venture out into the units. This creates a risk that bullying, standover tactics and fights will increase and will remain undetected. Staff claimed, in essence, that they were overworked and understaffed and the relationship between staff and prisoners was less strong than in 2010.
- 10.9 In some areas, Acacia had also not done enough to address known issues. One was the lack of computer access for prisoners. This issue has been mentioned in past inspection reports and was one that this Office expected to be addressed by now. When questioned about their lack of progress in this area, Acacia commented on the number of computers that they will be purchasing once the expansion is complete. This may result in prisoners having to wait another two years before they can successfully complete some of their studies. Again, more needs to be done now, and should not await the 'new world' promised by the expansion.
- 10.10 The future focus was also impacting on relationships and communication between staff and Acacia management. Pleasingly, the vast majority of staff still maintained enthusiasm for their role at Acacia and a commitment to organisational values. However, they felt that members of the senior management team were increasingly disconnected and were not sufficiently visible through the prison, and our inspection confirmed this was the case. There was also a perception that management was uninterested in staff welfare. This was not our impression of management but with issues like this, perception is nine tenths of reality. In our pre-inspection staff survey, close to a third of staff indicated that they thought support and communication from Acacia management was 'poor'. This was a far more disappointing result than in 2010.
- 10.11 Some impressive new facilities have already been completed as part of the expansion, notably a training kitchen and a café in the visits centre. Disappointingly, the new training kitchen and the external store stood empty. In the case of the kitchen, funding for additional staff was dependent on an increase in the prisoner population and in the case of the store, the prison was not able to use prisoner labour as originally anticipated.

- 10.12 The expansion presents many exciting opportunities for improvement, not only at Acacia itself but across the whole system. Maximising these opportunities is not a matter for Serco alone but will require vision, collaboration and engagement on the part of the Department. In particular, the Department must have clear organisational priorities and targets. It must then work out how each of its facilities and services will contribute to the system-wide goals. Ideally, targets and expectations will be set and measured for all those facilities and services. The overriding objective is to reduce recidivism and to do this there must be a better targeting of the needs of specific groups of prisoners.
- 10.13 Until recently, the Department was unwilling to engage in this type of strategic planning. When new units were put into Albany, Hakea and Casuarina Prisons, they were just seen as 'more beds'. Little or no thought was given to how they might best be used to address issues such as mental health, the needs of younger prisoners, better drug rehabilitation initiatives, elderly prisoners and lifers, and recommendations by this Office were met with abrupt and unhelpful responses.¹⁰⁶
- 10.14 Acacia itself has always been keen to explore ways to use the new accommodation units to better target need. Fortunately, the Department is now demonstrating a much sharper strategic focus. As part of this, it is undertaking a review of its prisons, their roles, and their targets. This exercise will allow the functions of Acacia's new units to be clarified. It will also be possible to take the opportunity to amend the PLF measures in the contract, offering incentives to the contractor for proven performance in meeting targets.

Recommendation 23:

The Department, in collaboration with Serco, should assess the best use of the new accommodation units to target needs and to reduce recidivism. Consideration should be given to linking this to new performance linked fee incentives.

- 10.15 One of the original aims of privatisation was to encourage innovation and cross-fertilization from the private to the public sector and vice versa. There have certainly been examples of innovation at Acacia. There have also been some examples of cross-fertilization. However, after 13 years of Acacia, it is time to increase the opportunities for cross-sector engagement, support and learning.
- 10.16 Until recently, management of the Acacia Prison Services Contract was handled by a section of the Department that was separate from the 'Adult Custodial' branch responsible for state-run prisons. However, arrangements changed at the very time of the inspection, and the contract management team with responsibility for Acacia now sits with the area responsible for prison operations across the state. There are some benefits in the new arrangement. First, it reinforces the fact that Acacia is part of the state's prison system for which the Commissioner for Corrective Services has ultimate responsibility. If the new arrangement works properly, Acacia will no longer be excluded from some key forums.

¹⁰⁶ See for example, OICS, *Report of an Announced Inspection of Hakea Prison*, Report No. 81 (November 2012) v–vi; OICS, *Annual Report 2012–13*, 6–9.

Secondly, the 'public sector' side of the Department should be able to learn from the expertise of contract management in monitoring and assessing performance, and assess what can be learned to improve performance across the whole system. However, there are also some very significant risks. The whole purpose of privatisation was that the private sector would do things differently and this will be diluted if the 'Adult Custodial' division has an excessive say in how things are done. The new organisational arrangements must not be allowed to stifle innovation and difference.

Recommendation 24:

The Department must ensure that under its new organisational arrangements, Acacia is still able to be innovative and that the opportunities for cross-fertilization are maximised.

- 10.17 The next inspection of Acacia is not required by legislation until the end of 2016. However, it is a prison in transition, and the next two years will be a period of enormous change. This will need to be tracked. The current five year extension on the Prison Services Agreement between the state and Serco runs to mid-2016. We will continue to monitor developments and may bring forward our next inspection to 2015 rather than 2016.

Appendix 1

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>1. a) The Department's annual reports on the Acacia Prison Services Agreement should include a robust estimate of the costs it incurs in relation to Acacia Prison and an explanation of how these costs are calculated; and</p> <p>b) The Department's main Annual Report should provide an outline of the relative costs of different prisons, not merely an average cost across the whole system.</p>	<p>The Department</p> <hr/> <p>a) Supported</p> <p>b) Not supported</p> <p>a) The Department agrees that the Acacia Prison Annual Report should include all costs associated with the contract and a clear explanation on the basis of the amounts quoted.</p> <p>b) The Department does not support the recommendation that the Annual Report is the place for detailed reporting on the Acacia Prison Services Agreement and relative costs of different prisons. The Annual Report provides an overview of the Department's operations and performance rather than detailed operations matters.</p> <p>Accountability, compliance and detailed reviews are carried out internally and are subject to examination by the Office of the Auditor General.</p> <p>Serco</p> <hr/> <p>N/A</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>2. The Department should progress variations to the Acacia Prison Maintenance Agreement so that performance expectations are clear to all stakeholders, and contractor performance can be more effectively managed.</p>	<p>The Department</p> <hr/> <p>Supported</p> <p>The Department has commenced a project reviewing the existing maintenance agreement with a view to developing a more contemporary and robust contract, including KPIs and a contract management framework, and simplifying the complex contract relationship between BMW, DCS, Serco and Sodexo.</p> <p>The project outcome may result in the requirement for additional funding from Treasury and this is being addressed by the project.</p> <p>In addition, the Department is currently developing maintenance standards to use State wide thus enabling service levels against which maintenance can be measured. It is expected that the standards will be tailored and applied to the Acacia Prison Maintenance Agreement as necessary.</p> <p>As BMW is the Principal to the contract any variations will require their approval.</p> <p>Serco</p> <hr/> <p>N/A</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>3. Ensure that the opportunities presented for prisoner employment and training by (i) the new external store and (ii) the industrial training kitchen are utilised at the earliest opportunity.</p>	<p>The Department</p> <hr/> <p>Supported</p> <p>The Department awaits a formal submission from Serco which will address the staffing and the use of prisoners in the External Store. It may be possible to provide an interim agreement such that the store and hospitality training unit are in action before the timing anticipated during expansion negotiations.</p> <p>It should be noted that two matters may delay the provision of these training opportunities:</p> <ul style="list-style-type: none"> - gas is not yet available; and - the Waste Water Treatment Plant is operating at capacity. <p>The gas will be available around April 2014, and the Department will assess the potential increase in water flow from the Hospitality Training Unit and ascertain if current circumstances will allow for the provision of employment and training.</p> <p>The Department agrees that section 95 prisoners could be used to operate the store but those prisoners would have to come from another Prison.</p> <p>Serco</p> <hr/> <p>Supported In Part</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>4. Throughout the remainder of the expansion project, rigorous processes must be maintained to ensure that the risks and responsibilities of the various parties are clear, fully understood, and properly aligned, with security and safety as the paramount considerations.</p>	<p>The Department</p> <hr/> <p>Supported</p> <p>The Department acknowledges the risk associated with a major build inside a secure perimeter and has controls in place to manage the risk. These controls include: a Security Management Plan reviewed regularly with Serco, DCS and Doric, employing escort officers to search vehicles at the site entrance, monitoring of the site during working day and ensuring cleanliness of site, as well as providing additional roving patrols to monitor the site on weekends when unattended, monitoring compliance with regular site visits by DCS State-wide Security representatives and raising any security related issues in real time, at the weekly Security Management Meeting and PCG meetings.</p> <p>Serco</p> <hr/> <p>N/A</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>5. At Acacia and across the whole prison system:</p> <p>a) Train staff in the retrieval of people entangled in razor wire; and</p> <p>b) Establish an MOU with outside agencies to supply equipment such as moveable platforms to assist with retrievals from razor wire at height.</p>	<p>The Department</p> <hr/> <p>Supported</p> <p>a) The DCS Emergency Support Group (ESG) have recently developed a training DVD for prisons, on how to retrieve a person caught in razor wire. Currently the DVD is with the DCS Training Academy and is being refined before being sent to the satellite trainers who will in turn conduct training at each applicable prison. The ESG have also developed a standard 'retrieval kit' that contains the necessary equipment and protective clothing for conducting the retrieval. The Security Services Directorate will submit a funding request to enable purchase and provision of retrieval equipment to relevant facilities.</p> <p>b) The Security Services Directorate on behalf of the Department is planning workshop meetings with Department of Fire and Emergencies (DFES) to analyse each WA prison/detention centre with razor wire and consider the best possible action and process to resolve the retrieval at height incidents. It should be noted that the workshops will focus on the four regional prisons with razor wire (three once the new Eastern Goldfields Prison is built and razor wire removed). Once a process for at height retrievals for regional prisons is agreed upon, it will be inserted into the EM plans for prisons with razor wire.</p> <p>The four metropolitan prisons/detention centre currently request the attendance of the DFES combined ladder platform (CLP) and ESG officers in retrieval at height. A test of the CLP capabilities have already occurred at Casuarina, Bandyup and Banksia Hill custodial facilities and a test at Acacia prison is being arranged.</p> <p>A quarterly DCS/DFES meeting has now been established.</p> <p>Serco</p> <hr/> <p>N/A</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
6. Acacia should enhance its focus on dynamic security.	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported</p> <p>A new Senior Manager has been appointed. A new Security Manager has been appointed. One of their priorities will be to deliver a new training plan on dynamic security. Acacia's Strategic Business Plan 2014–2016 includes objectives regarding this.</p>
7. Ensure that it is standard practice for Acacia and all other prisons in the state to conduct regular audits of the operation and accuracy of personal alarms, and that deficiencies are remedied.	<p>The Department</p> <hr/> <p>Supported</p> <p>The building program has created some anomalies because of interference of transponders and receivers. The necessary adjustment to the system will be in place as soon as possible following a full audit of the system prior to handover of the buildings to DCS.</p> <p>The system will be re-calibrated (DCS to arrange) to ensure accuracy during the build project.</p> <p>Serco</p> <hr/> <p>Supported</p>
8. Acacia should examine alternative options to using the detention unit for managing prisoners on restricted regimes or who require additional protection.	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported</p> <p>Our proposed strategy for 1,387 prisoners includes an objective addressing this recommendation.</p> <p>Furthermore, this is included in Acacia's Strategic Business Plan 2014–2016.</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>9. Acacia should ensure the detention unit is adequately staffed at all times and that staff adhere to operational procedures.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported In Part</p>
<p>10. Acacia should ensure that there is an appropriate balance of experience levels between A shift and B shift.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported In Principle</p> <p>In principle this is agreed. In reality this depends on the staff mix at any time, and is linked to our recruitment strategy.</p>
<p>11. To ensure that the contractor and the state meet their duty of care to prisoners, and that prisoners' hospital appointments are not cancelled, the Department should work with Serco to provide appropriate funding to cover (i) the cost of a secure vehicle; and (ii) the staff required for hospital sits.</p>	<p>The Department</p> <hr/> <p>Supported</p> <p>The Department recognises that the cancellation of medical procedures has the potential to affect its duty of care obligations to prisoners, as well as impacting on the public health system. The Department will review existing arrangements and seek to minimise cancellations.</p> <p>Serco</p> <hr/> <p>Supported In Principle</p> <p>Serco would welcome a secure vehicle. Agreement of funding would go a long way to reduce the current impact of depleting staff resource from the daily regime.</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>12. Serco should introduce additional senior management positions, and realign management responsibilities, to ensure (i) that the Acacia senior management team does not lose focus on immediate operational priorities during the expansion; (ii) improved management/staff communication; and (iii) strong transition planning and change management.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported</p> <p>This is already in place with further growth strategies agreed with Serco corporate office. Viewpoint Action Plan is in place to increase staff engagement and improve communication. A Transition Director and additional resources are in place.</p>
<p>13. Acacia should use the performance appraisal system in place at Acacia as intended for all staff.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported</p> <p>Serco is globally introducing a new 'streamlined' staff appraisal system.</p>
<p>14. Acacia should provide regular, ongoing cultural awareness training for both custodial and non-custodial staff.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported</p> <p>Acacia's Strategic Business Plan 2014–2016 includes specific objectives to promote and achieve this. Acacia's Reconciliation Action Plan (RAP) will also contribute to this overall objective.</p>
<p>15. Acacia should examine and implement strategies to improve the management and wellbeing of lifers and long term prisoners.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported</p> <p>Acacia's Strategic Business Plan 2014–2016 has specific objectives around long-term sentenced prisoners.</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>16. Acacia should:</p> <p>a) Reinvigorate its strategic focus on Aboriginal issues; and</p> <p>b) Focus on recruiting and retaining more Aboriginal staff in all areas, including management, custody, education and support roles.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported</p> <p>Work has already commenced to drive this forward. Community reach and engagement are being developed further.</p>
<p>17. Acacia should:</p> <p>a) Acacia should monitor, and as necessary enhance the Custodial Management System to ensure that it is functioning as an adequate movement control system; and</p> <p>b) Acacia should have processes in place to ensure all prisoners are sufficiently trained in the Custodial Management System as well as processes to assist those prisoners who need help understanding and using this system.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported</p> <p>CMS implementation is still considered to be ‘embryonic’; the full capability is yet to be realised. It is accepted that ongoing training and reinforcement for prisoners and staff is critical.</p>
<p>18. Acacia should:</p> <p>a) Cease the cross-deployment of recreation officers; and</p> <p>b) Ensure that appropriate additional physical resources and staffing are available to meet current and future demand for recreation.</p>	<p>The Department</p> <hr/> <p>N/A</p> <p>Serco</p> <hr/> <p>Supported In Part</p> <p>The Local Order, as agreed with unions, is endorsement of our intent. At times external constraints impact on this, e.g. hospital sits, escorts.</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
19. All prisons in the state, including Acacia, should innovatively expand the use of Skype or other on-line technologies to facilitate family and community contact, official appointments, coverage of significant occasions and connection with communities.	The Department <hr/> Supported <p>The benefits of Skype are recognised by the Department and work continues into enhancing the current ad hoc provision to allow for both official and domestic visits as well as to compliment current processes such as funerals.</p>
	Serco <hr/> Supported <p>Serco fully supports the opportunities in this recommendation.</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>20. a) Acacia should increase the number of treatment programs offered to prisoners; and</p> <p>b) The Department should ensure that it encourages genuine innovation in program delivery and does not simply require Acacia to deliver the Department's own suite of programs.</p>	<p>The Department</p> <hr/> <p>Supported In Principle</p> <p>The Department supports Acacia's delivery of innovative programs; however, it is noted that such programs should address criminogenic factors and be culturally effective.</p> <p>In relation to the Department adopting the COVAID (Control of Violence for Angry Impulsive Drinkers), the developer of COVAID has made contact with the Department and the program has been explored as a possible option for the Department's program suite. On investigation, it was considered that the program content or targets are met within other programs such as the Medium Intensity Violence Program, which is being opened to all offenders of moderate risk and treatment needs (those who have general criminogenic needs). The Department is keen to explore other brief program options, such as those targeting treatment readiness and motivation rather than a brief program that seems to look specifically at aggression and alcohol. Thus, the Department's priorities and innovative focus are regarding other criminogenic and cultural factors.</p> <p>Serco</p> <hr/> <p>a) Supported In Principle</p> <p>b) DCS Responsibility</p> <p>Current discussions are ongoing with DCS. We welcome the opportunity to innovate in this area.</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
21. Acacia should reduce levels of Aboriginal unemployment and under-employment.	<p data-bbox="735 510 954 544">The Department</p> <hr/> <p data-bbox="735 562 794 595">N/A</p> <p data-bbox="735 656 810 689">Serco</p> <hr/> <p data-bbox="735 712 863 745">Supported</p> <p data-bbox="735 757 1318 936">Our vision going forward is that Acacia becomes a training prison. We recognise the importance of this recommendation and are committed to ensure proper representation of this group of prisoners, in relevant and meaningful employment.</p>
22. Acacia should immediately purchase a sufficient number of computers to meet the needs of adult literacy and numeracy students as well as external and business students.	<p data-bbox="735 987 954 1021">The Department</p> <hr/> <p data-bbox="735 1039 863 1072">Supported</p> <p data-bbox="735 1133 810 1167">Serco</p> <hr/> <p data-bbox="735 1189 863 1223">Supported</p> <p data-bbox="735 1227 919 1261">This is in hand.</p>

THE DEPARTMENT'S RESPONSE TO THE 2013 RECOMMENDATIONS

Recommendation	Acceptance Level/Response
<p>23. The Department, in collaboration with Serco, should assess the best use of the new accommodation units to target needs and to reduce recidivism. Consideration should be given to linking this to new performance linked fee incentives.</p>	<p>The Department</p> <hr/> <p>Supported</p> <p>The Department is currently working through longer term planning for accommodation usage across the State, this includes ensuring that the accommodation at Acacia is used in a manner which is conducive to targeted rehabilitation and/or management of specific prisoner cohorts. Once the specific prisoner cohorts are identified suitable appropriate performance indicators will be established and monitored through the Contracted Services Directorate.</p> <p>Serco</p> <hr/> <p>a) Supported</p> <p>b) Not Supported</p> <p>a) In the context of the Serco/DCS transition group, use of accommodation and population management is a regular topic of discussion. We recognise the importance for the state to get best 'fit' for new accommodation blocks.</p> <p>b) This is not a consideration for Serco.</p>
<p>24. The Department must ensure that under its new organisational arrangements, Acacia is still able to be innovative and that the opportunities for cross-fertilization are maximised.</p>	<p>The Department</p> <hr/> <p>Supported</p> <p>Current arrangements (finalised after drafting of the OICS report) has seen the contract management role return to Contracted Services.</p> <p>Serco</p> <hr/> <p>N/A</p>

Appendix 2

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE 2010 RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 71, <i>Report of an Announced Inspection of Acacia Prison.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
1.	Administration and Accountability Finalise new maintenance contract arrangements to ensure that the prison services contractor has appropriate control of and responsibility for the maintenance of the Acacia Prison facility.	•				
2.	Administration and Accountability Develop improved processes for recognising innovation at Acacia Prison in order to identify initiatives suitable for transfer into the public system.	•				
3.	Racism, Aboriginality and Equity Develop the role of the Indigenous Advisory Board with a particular focus on driving innovative programs and services for Aboriginal prisoners.		•			
4a.	Rehabilitation Develop and implement qualitative performance measures for case management at Acacia Prison.		•			
4b.	Rehabilitation Provide feedback, support and professional development to case management officers based on the qualitative performance measures.		•			
4c.	Rehabilitation Evaluate the performance measures and examine the feasibility of applying such measures throughout the prison system.		•			
5a.	Rehabilitation Increase the delivery of offender treatment programs at Acacia Prison.			•		
5b.	Rehabilitation Develop, test and evaluate innovative offender treatment programs at Acacia Prison in addition to, or as alternatives to, the programs offered in the public prisons.			•		
6.	Rehabilitation Provide minimum-security prisoners at Acacia Prison with access to appropriate programs and opportunities consistent with their security status.	•				

SCORECARD ASSESSMENT OF THE PROGRESS AGAINST THE
2010 RECOMMENDATIONS

Recommendation No.	Recommendations By Type of Recommendation/Duration Report No. 71, <i>Report of an Announced Inspection of Acacia Prison.</i>	Assessment of the Department's Implementations				
		Poor	Less than acceptable	Acceptable	More than acceptable	Excellent
7.	Rehabilitation Ensure prisoners have sufficient access to computers and electronic resources to facilitate educational studies, official correspondence and other legitimate needs.	•				
8.	Reparation Provide each prisoner at Acacia Prison with 30 hours of constructive activity per week through structuring of the core day and investment in resources and key supporting infrastructure such as Oscar Block and the industrial workshops.	•				

Appendix 3

THE INSPECTION TEAM

Professor Neil Morgan	Inspector
Andrew Harvey	Deputy Inspector
Christopher Davers	Director Strategy
Lauren Netto	Principal Inspections and Research Officer
Amanda Coghlan	Inspections and Research Officer
Jim Bryden	Inspections and Research Officer
Michelle Higgins	Inspections and Research Officer
Matt Merefield	Inspections and Research Officer
Charles Staples	Inspections and Research Officer
Joseph Wallam	Community Liaison Officer
Cheryl Wiltshire	Expert Advisor, Department of Training and Workforce Development
Dace Tomsons	Expert Advisor, Drug and Alcohol Office
Lin Kilpatrick	Architect (specialising in safe and secure environments)

Appendix 4

KEY DATES

Formal notification of announced inspection	1 August 2013
Pre-inspection community consultation	17 September 2013
Start of on-site phase	4 November 2013
Completion of on-site phase	15 November 2013
Inspection exit debrief	15 November 2013
Draft Report sent to Serco and the Department of Corrective Services	10 March 2014
Draft report returned by Serco and the Department of Corrective Services	14 April 2014
Declaration of Prepared Report	23 May 2014

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



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