



# ***COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE***

## **INTERIM REPORT**

### **‘MAKING OUR PRISONS WORK’**

#### **AN INQUIRY INTO THE EFFICIENCY AND EFFECTIVENESS OF PRISONER EDUCATION, TRAINING AND EMPLOYMENT STRATEGIES**

**Report No. 4  
in the 38<sup>th</sup> Parliament**

**2010**

**Published by the Legislative Assembly, Parliament of Western Australia, Perth, June 2010.**

Printed by the Government Printer, State Law Publisher, Western Australia.



Community Development and Justice Standing Committee

ISBN: 978-1-921355-86-8

(Series: Western Australia. Parliament. Legislative Assembly. Committees.  
Community Development and Justice Standing Committee. Report 4)

328.365

99-0

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### **Report No. 4**

Presented by:

**Hon A.J.G. MacTiernan, MLA**

Laid on the Table of the Legislative Assembly  
on 24 June 2010



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## **COMMITTEE'S FUNCTIONS AND POWERS**

The functions of the Committee are to review and report to the Assembly on: -

- (a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- (b) annual reports of government departments laid on the Table of the House;
- (c) the adequacy of legislation and regulations within its jurisdiction; and
- (d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.



## **INQUIRY TERMS OF REFERENCE**

### **‘Making our prisons work’:**

An Inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies.

#### **Inquiry Terms of Reference:**

That the Committee will examine and report by 25 November 2010 on:

- i) opportunities for work and the development of a workplace culture within WA prisons;
- ii) current rehabilitative programs and strategies in Western Australian prisons;
- iii) the impact of prison education and training programs on post-release outcomes and the data collection capacity within government to evaluate the effectiveness of existing programs;
- iv) the gaps in post release outcomes between Aboriginal and non-Aboriginal offenders;
- v) the legislative and community incentives and impediments to prisoner employment, education and training;
- vi) the integration of behaviour management, education and training strategies with real work opportunities;
- vii) the success of alternative strategies, nationally and internationally in reducing recidivism; and
- viii) any major issue that emerges that the Committee considers should be included in the Inquiry.



## CHAIR'S FOREWORD

Entering the world of prisons - across Western Australia and in Singapore - has been an extraordinary experience for our Committee - we had an opportunity to witness a sub-culture few in our community see in real life.

The most immediate observation was that prisoners, notwithstanding their crimes, presented as ordinary members of the community trying to get on with life.

Ironically imprisonment can often be the opportunity for some to experience a life, for the first time, with structure and order. Many prisoners, freed from social chaos and drugs and with support and encouragement from prison staff, are in the right place to turn their lives around. Our challenge is to seize the opportunity that this presents.

The social and economic cost to the community from a growing prison population cannot be ignored. While recognizing the needs of the community for reparation, we must think rationally and objectively about how we can structure our prisons to reduce costs and at the same time give prisoners a real opportunity to re-enter society better equipped to lead productive and law-abiding lives.

We need no clearer evidence of the failure of our prisons to reduce crime than our recidivism rate - 40% of prisoners in WA re-offend within two years of release. Business as usual is not an option.

This interim report focuses on two necessary changes: The need to expand professional prison industries and to quarantine funding of employment and training from custodial services.

The development of productive, efficient prison industries can make a major contribution to the development of work ethic, work skills, and self-confidence that will underpin a prisoner's successful re-entry into society. These industries also, through ensuring prisoners are occupied in meaningful work, help in the challenges of prison management. Importantly, they can reduce the impost on tax payers.

Our committee was very impressed by the dedication and practical compassion that we found characterized so many of those working in the prison system and with prisoners. We thank them sincerely for their work.

I thank my committee members who have all engaged deeply on these issues and worked hard to finalise this interim report. It has been a pleasure sharing the journey with you. Our combined thanks go to Dr Brian Gordon and Ms Jovita Hogan for their dedication to the task of processing and synthesising enormous volumes of submissions made to the Committee and their excellent organization of our prison expeditions.

HON A.J.G. MACTIERNAN, MLA  
CHAIR



## **ABBREVIATIONS AND ACRONYMS**

ASETS	Auswest Specialist Education and Training Services
DCS	Department of Corrective Services
EVTU	Education and Vocational Training Unit
GDP	Gross Domestic Product
LLN	Language Literacy Numeracy
PAB	Public Affairs Branch
PEP	Prisoner Employment Program
RTO	Registered Training Organisation
SCORE	Singapore Corporation of Rehabilitative Enterprises
SPS	Singapore Prison Service
TOMS	Total Offender Management System
VET	Vocational Education and Training
WA	Western Australia





## GLOSSARY

<b>Criminogenic:</b>	Producing or tending to produce crime or criminality <sup>1</sup> e.g. alcohol
<b>Indigenous status:</b>	A person identifying themselves as either an Aboriginal or Torres Strait Islander person if they are accepted as such by an Aboriginal or Torres Strait Islander community.
<b>Offender:</b>	An adult person subject to a current community based corrections service order. (Including bail supervision by corrective services).
<b>Prison:</b>	A legally proclaimed prison or remand centre which holds adult prisoners, excluding police prisons or juvenile detention facilities.
<b>Prisoner:</b>	A person with a court issued authority held in full time custody under the jurisdiction of an adult corrective service agency.
<b>Registered training organisation:</b>	RTOs are providers and assessors of nationally recognised training. Only RTOs can issue nationally recognised qualifications.
<b>Throughcare:</b>	The delivery of services in an integrated and seamless manner throughout a prisoner's sentence and on release to the community.
<b>Total Offender Management Solution:</b>	An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to offenders in custody, to facilitate their effective management

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<sup>1</sup> The American Heritage® Dictionary of the English Language, Fourth Edition Houghton Mifflin Company.



## EXECUTIVE SUMMARY

This report is the first of two reports into the efficiency and effectiveness of prisoner education, training and employment strategies. Its focus is prison employment activities and prison industries and their role in prison management in defraying costs and the reintegration of prisoners back into society.

The final report will review:

- vocational education, together with the integration of rehabilitation strategies and their impact on post release outcomes;
- re-entry strategies and the provision of post release support including community engagement initiatives;
- the gaps in post release outcomes between Aboriginal and non Aboriginal offenders and how they might be addressed through such initiatives as Justice Re-investment; and
- data collection and analysis by the Department of Corrective Services including post release data.

Imprisonment is a very considerable financial burden on our community. Two questions are obvious. Firstly, are we maximising the opportunity for prisons to utilise their labour resources to defray that cost? Secondly, and more importantly, are we utilising the time spent in prison to provide prisoners with the ability to gain employment and lead productive lives on their release?

There is strong evidence that well structured strategies that lift prisoners' general education, and instil basic work disciplines together with pre and post release employment support, reduces recidivism. Internationally, notably in Singapore and in some states in the United States of America, such integrated strategies have seen declines from 40%+ recidivism rates down to 25%. In particular this has occurred where there is a priority on the development of workplace skills that are relevant to the workplace outside the prison and where there is a real focus placed on assisting prisoners into employment prior to their release.

In reviewing alternatives to the way in which employment, training and education strategies are run in Western Australia, the Committee noted the real benefits accruing to strategies that drew these employment and training areas together under a focussed, operational umbrella. In Western Australia these services operate as an incidental sub critical element of the custodial function.

The Department of Corrective Services (DCS) in Western Australia operates with significant cost pressures which cause the under resourcing of employment, training and general education initiatives as outlined in this report. This has led to significant underemployment in our prisons. By contrast, in looking at other models, the Committee noted that prison industries interstate and overseas have not only achieved better resourcing but also increasingly relevant workplace skills for prisoners through a greater focus on commercial prison industries and engaging with the private sector.

Engaging the private sector allows the development of a commercially competitive prison industry. The profits from such ventures in other jurisdictions underwrite training strategies and

allow for the reinvestment that is necessary to create modern work opportunities. Currently, the workshop plant and equipment is not only of a scale that is too small to keep prisoners properly employed, they often are not utilising contemporary technologies. The profits can also fund post release support and community education, without further subsidy from corrective services.

For this to happen it is the Committee's view that an autonomous rehabilitative enterprise be established. Such an enterprise would retain earnings to meet future expansion needs and to maximise the development of prisoners. It would also ensure that existing pressures on custodial services budgets do not continue to cannibalise training and employment opportunities, resulting in poor post release outcomes. In moving to such a model, we acknowledge that there is a need for parameters that would control the scope of such industry initiatives. Such parameters may be defined through legislation or through a governing charter.

The Committee is very impressed by the calibre and passion of the Department of Corrective Services staff and, while this report notes areas for improvement in the future, these should not be seen as a reflection on the current professionalism and dedication of staff throughout in DCS.

The Committee has made a number of consequential recommendations in this report that it considers will lead to best practice in this sphere of DCS's operations.

**Chapter One** outlines the background to the establishment of the Inquiry together with the parameters and the conduct of the Inquiry.

**Chapter Two** describes the prison system in Western Australia with a focus on increasing prisoner numbers within each institution. It considers the general impact of growth and the measures taken by the Department of Corrective Services in response to the ever increasing numbers. This chapter also reflects on some of the recommendations of the *Report of the Inquiry into the Management of Offenders in Custody and in the Community* (the Mahoney Inquiry), most notably in relation to the classification and case management of prisoners, and the creation and functions of the Prisoner Review Board.

**Chapter Three** Stopping re-offending is an important part of any justice system. However, it is one of three facets of imprisonment, namely:

- punishment of the prisoner;
- protection of society; and
- rehabilitation of the prisoner.

This chapter considers rehabilitation in this context.

**Chapter Four** Numerous studies have found that unemployment is recognised as one of the most important factors behind offending and re-offending and this chapter provides a backdrop on the socio-economic background of prisoners in that context. This chapter looks at the employment background, educational profiles, and literacy levels of Western Australian prisoners and the effect on incarceration.

**Chapter Five** As Chapter two highlights, with the exception of Boronia there is no facility in this state that does not significantly exceed its design capacity. This chapter looks at the impact of overcrowding on rehabilitation in the context of the Terms of Reference of the Inquiry.

It canvases the impact that the historic high muster has on the daily prison environment in Western Australia in three areas:

1. Proportionately there is less of everything to go around, so the same space and resources are made to stretch even further.
2. The opportunities for inmates to participate in self-improvement and rehabilitative programs, such as academic, employment and vocational training are curtailed.
3. There is significant under employment in the Western Australian prison system because of the high muster and, where opportunities do exist, they are significantly less than those hours worked in the general community.

**Chapter Six** Employment strategies are a hallmark of correctional services operations around the world. They are run, as outlined in this chapter, to support the need for cost effective prisons, for the maintenance of order and discipline, and for rehabilitation. In Western Australia, prisoner employment and training is a significant part of a prisoner's sentence plan, even though it is peripheral to the primary purpose of DCS which is the secure confinement of prisoners. This chapter details the range of those employment opportunities offered by DCS in Western Australia.

**Chapter Seven** With an increasing prison population in an already congested environment, prison employment is a key component within the structured day framework for prisoners, as DCS seeks to keep them occupied. Prison industries are a significant mechanism for meaningful employment. This chapter reviews the operation of prison industries in Western Australia.

**Chapter Eight** In the course of its Inquiry, the Committee reviewed several models for prison industries in other states and overseas. In considering alternative models to the one currently prevailing in Western Australia, the Committee acknowledges that prison industries on their own do not form a panacea for recidivism rates. However, it believes that, in parallel with improvements to existing strategies, a revised approach to the operation of prison industries would make a significantly stronger contribution to both the recidivism rate and DCS's financial, social and environmental bottom lines. This chapter compares the operation of overseas prison industry models to the Western Australian model.

**Chapter Nine** In this final chapter the strands of the preceding chapters are pulled together to form a series of recommendations on the way forward for prison employment training and industry in Western Australia.



## FINDINGS

Page 2

### **Finding 1**

Although there is very little Western Australian research, interstate research and international meta analyses demonstrate the significant contribution that education and employment make to the reduction in reoffending rates.

Page 56

### **Finding 2**

The prison system is 'gridlocked' at some points due to the high prison muster. As a consequence accessibility to education, training and employment are becoming increasingly constrained as prisoners are held in higher security facilities than their classification warrants.

Page 57

### **Finding 3**

The operating budget of the Department of Corrective Services (DCS) is significantly impacted by the cost of overtime. In seeking to address this issue and reduce overtime costs, while still retaining core custodial functions, VET and employment services are vulnerable to cutbacks.

Page 59

### **Finding 4**

Linked to the monetary impact of high muster levels is the deteriorating ratio of staff to prisoners. This further precludes access to some programs as a custodial officer needs to be present for the delivery of initiatives such as VET and employment. In their absence these cannot be provided.

Moreover the availability of VET and employment has remained virtually static while prison numbers have grown creating a further rationing of education and employment.

Page 66

**Finding 5**

There is a significant level of underemployment in Western Australia's prison facilities. The true extent of this underemployment is masked by an over assignment of prisoners to menial tasks so that they can be provided with a gratuity.

There is a need to enhance both the quantity and quality of work opportunities available in prisons leading to employment opportunities in the community.

Page 69

**Finding 6**

Existing infrastructure for the provision of employment/training is demonstrably inadequate. The education centres and industry workshops have a limited capacity, and the current spike in the prison muster has further reduced the availability of employment and education in prisons.

Page 69

**Finding 7**

There is no systematic focused approach to the creation of prison industries and consequently opportunities to defray costs and to develop employment opportunities are not fully exploited.

Page 71

**Finding 8**

Although the availability of rehabilitation programs and services do not form the priority consideration for the Prisoners Review Board, they remain a consideration. There is evidence of a negative feedback loop, where the tightening of access to parole adds to high muster levels, which in turn reduces prisoner access to programs and further compounds the difficulty in obtaining parole.



Page 80

**Finding 9**

The Education and Vocational Training Unit in DCS have developed, through their registered training organisation, ASETS, an award winning approach to education and training in prisons. This involves prisoners earning accredited vocational education and training qualifications while still in prison, and developing relationships with training providers, employers and industry representatives. This leads to employment and further education once they are released.

Page 83

**Finding 10**

The active engagement of the private sector, notably Rio Tinto Iron Ore in the Pilbara, in training followed by the provision of post release employment opportunities has led to significant positive results for participating ex-offenders. These long term outcomes are attributable to the relevance of such industry directed training to the work place.

Page 83

**Finding 11**

The stability of ex-offenders in the workplace is significantly enhanced and recidivism reduced when consistent support is provided for the critical first six months subsequent to a prisoner's release.

Page 84

**Finding 12**

Too many prisoners are languishing in a system that cannot provide levels of employment and training that develop work skills which will equip prisoners for life post release.

Page 86

**Finding 13**

The Prisoner Employment Program (PEP) provides some minimum-security prisoners in Western Australia with the opportunity to engage in meaningful and sustainable paid employment, work experience, vocational training and education. Selected prisoners may leave prison each day to undertake these activities and some engage in paid employment within the community as part of their re-entry preparation and transition back into the workforce on their release.

On the limited data available to date, PEP appears to have produced impressive results in reducing the recidivism rate. However its accessibility is heavily restricted and the current results may be skewed by the selection process for the small number of participants.

Page 90

**Finding 14**

It is recognised that the northern work camps are not aimed necessarily at equipping prisoners for mainstream work places. However it is not clear that facilities such as Millstream are developing self reliance or skills that would be useful to the Aboriginal community subsequent to release.

Page 95

**Finding 15**

In addition to providing meaningful employment, a significant priority of many prison industries around the world is the internal provision of goods and services which results in significant savings through self-sustainability activities.

Page 96

**Finding 16**

The *State Trading Concerns Act 1916* limits the capacity of the Department of Corrective Services to operate cash flow positive business enterprises. The proposed provisions in the *Corrective Services Bill* will remedy the issue and regularise the existing de facto reality.

Page 98

**Finding 17**

Currently operating autonomously, individual prison facilities lack a management information system that monitors cost effectiveness in prison industries. There is no activity-based cost accounting system for prison industries. This has resulted in a lack of financial transparency and precludes any possibility of a cost benefit or a cost effectiveness analysis of any given industry's performance.

Page 102

**Finding 18**

The Western Australian governance model for employment and industry strategies has marked operational deficiencies that are better addressed in a centralised approach which would better support:

- economies of scale;
- creation of strategic partnerships;
- improved evaluation;
- enhanced financial management; and
- the contract process for prison industries, including the development of business initiatives and review of contracts.

Page 103

**Finding 19**

The current high muster is reducing access to employment in prison industries and is leading to cost inefficiencies, underemployment and tension between prisoners.

Page 114

**Finding 20**

Corrective Services Industries, the industry arm of Corrective Services NSW, operates a successful, commercially aggressive, business strategy within defined parameters which enables it to make significant financial contributions to the Corrective Services NSW budget and to find and provide meaningful work opportunities.

Page 117

**Finding 21**

Concurrent with a significant strategic and attitudinal change in approach to rehabilitation in Singapore, driven by the Ministry of Home Affairs, SPS and Score, there has been a 29% decline in the prison muster matched by a 41% decline in recidivism rates.

Page 119

**Finding 22**

In Singapore, the statutory authority (SCORE) responsible for the establishment and operation of prison industries, the facilitation of employment and the provision of training, is successful, in part, because of a close alignment between itself and the Singapore Prison Service.

Page 120

**Finding 23**

In contrast to Western Australia and many other jurisdictions, Singapore's SCORE is prepared to work flexible hours to overcome some of the constraints of a prison's structured day, guided by the philosophy that all work undertaken should be relevant to workplace practices outside the prison.

Page 122

**Finding 24**

The Singapore Corporation of Rehabilitative Enterprises (SCORE) is self funding. SCORE generates revenue from a diversity of commercially competitive industries that in turn fund ongoing investment in employment projects, as well as broader rehabilitation and community education strategies, for the Singapore Ministry of Home Affairs. This structure allows these activities to enjoy a sustainable, reliable source of funding that does not exist in Western Australia.

Page 123

**Finding 25**

In common with many other jurisdictions around the world Singapore, recognises the imperative for strong post release strategies to consolidate the gains made while in prison. These strategies are run by SCORE and are funded out of the profits of its operations and through philanthropic endeavour.

Page 125

**Finding 26**

The Kansas Department of Corrections operates prison industries in conjunction with private businesses. Unlike Australia these businesses provide work skills, and enable the inmate to earn the federal minimum wage, receive mandatory savings on release and enable them to pay outstanding debts such as child support, fines and criminal compensation. They also pay 'board'. The Committee considered that this model of remuneration had much to commend it. It also meets the International Labour Organisation expectations that a commercial rate be paid for prison labour employed by the private sector.

Page 128

**Finding 27**

In some parts of the United States, real partnerships with private industry are instrumental to achieving meaningful employment options for prisoners within prisons. They also provide the potential for prisoners to transfer to similar positions outside of the prison upon release.

Page 131

**Finding 28**

There is merit in creating a separate entity to operate in Western Australia, along the lines of the statutory entity operating in Singapore. This allows for the expertise of industry leaders to be more fully exploited, as well as providing a financially sustainable model of funding for employment and training strategies. It is therefore the Committee's view that the responsibility for the development of prison industries should be separated from that of custodial services to allow for the professional focussed development of those industries.



## RECOMMENDATIONS

### **Recommendation** Page 133

The Committee recommends that there be a significant expansion of prison industries to address both the chronic underemployment of prisoners and the shortfall in opportunities for prisoners to develop skills that would give them a real chance of finding employment post release and a pathway to a non-offending life.

### **Recommendation** Page 133

Given the identified need for a more professional, focused strategic and operational approach to prison industries the Committee strongly recommends the establishment of either:

- a statutory trading enterprise similar to that operating in Singapore, which would report to the Minister for Corrective Services; or
- a semi autonomous commercial entity similar to the model in NSW. The operations of this entity would be balanced by a Western Australian equivalent of the NSW Corrective Industries Consultative Council.

### **Recommendation** Page 134

The Committee recommends that which ever of the of the prison industries models, proposed in the previous recommendation, is adopted:

- that the commercial boundaries of the new entity be defined in its charter or in legislation;
- that effective re-entry and post release support strategies are identified as core business;
- that the new entity retains profits to support the extension of its operations, replace or acquire plant and machinery and support rehabilitation and community education strategies;
- that regional prison facilities are represented at relevant decision making forums where those decisions affect them;
- that the new entity be given or loaned seed capital to establish its operational base; and
- that industry leaders be represented in an authoritative capacity in the governance of the enterprise. This would be achieved through representation on a governing body.

### **Recommendation** Page 106

The Committee recommends that the Department of Corrective Services ensures that work areas including workshops, essential services and outside community projects reflect contemporary industrial practice both in technology and work practices, delivering a stronger focus on acquiring post release employment skills rather than just finding jobs to keep prisoners occupied.

**Recommendation** Page 108

The Department of Corrective Services (DCS) needs to do more to recognise the centrality of IT skills in the modern delivery of education and in the workplace and provide more capacity to acquire some basic skills for prisoners.

The Committee recommends that DCS equipment needs in this regards could be met by diverting superceded government computers, to DCS.

**Recommendation** Page 109

The Committee recommends that serious consideration be given to the development of art, music, and digital media as areas of prison enterprise that can enhance post release opportunities.

**Recommendation** Page 98

Given the lack of information on costs along with resource utilisation in Prison Industries, the Committee supports the current review being undertaken by DCS of its internal reporting structures in an attempt to identify and quantify the value of the work undertaken by Prison Industries.

In doing so it strongly recommends that, to improve the quality of outcomes achieved, a high priority be placed on the development of a management information system. This will provide a full and transparent accounting of all prison industries to support increased productivity, the allocation of scarce resources, and the systemic reform advocated in later recommendations in this Report.

**Recommendation** Page 86

Recognising the success of the Prisoner Employment Program, the Committee recommends that the Department of Corrective Services broadens the eligibility criteria for participation in the Prisoner Employment Program and that the placements in the program be increased.

**Recommendation** Page 86

While recognising security needs, the Committee recommends that the Department of Corrective Services delivers a faster turn around time for approvals for entry into the Prisoner Employment Program so that significant employment opportunities are not lost.

**Recommendation** Page 104

The Committee recommends that consideration be given to the adoption of more flexible work practices, including the introduction of shifts and/or operating at the weekends thereby maximising the use of prison facilities. The Committee considers that productivity increases will offset the increased costs incurred.



**Recommendation** Page 91

While acknowledging the operational constraints that the Millstream work camp faces, the Committee questions whether it is inculcating much needed skills, work ethic, or self reliance in its present form. The Committee recommends that the operations of Millstream be reviewed with reference to work ethic, the self sustainability of the site and the long term outcomes for prisoners.

**Recommendation** Page 97

The Committee recommends that the proposed provisions in the Corrective Services Bill, allowing DCS to pursue commercially competitive business opportunities to provide meaningful work for prisoners, be included in the proposed legislation. This will regularise existing operations and support the extension of prison industries on a sound financial footing in the future.

**Recommendation** Page 134

The Committee recommends that the new entity becomes a party to a Service Level Agreement with the Department of Corrective Services. This will establish objectives and set targets and standards. This will define the parameters of the service ensuring that the nature and quality of services delivered by the proposed entity are transparent, accountable and meet the public's expectations.

**Recommendation** Page 134

The Committee recommends a far more intensive engagement with private sector employers to encourage the acceptance of released prisoners into the workforce and that private industry leaders be recruited to assist this strategy.



## **MINISTERIAL RESPONSE**

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Community Development and Justice Standing Committee directs that the Minister for Corrective Services report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.



## CHAPTER 1 INTRODUCTION

The large numbers of people in prison and serving community sentences place a significant burden on prisons, probation services and the taxpayer. Released prisoners have a 44% likelihood of re-offending with this percentage increasing to 74% in the case of Aboriginal prisoners.<sup>2</sup> Nearly one in five crimes is committed by a former prisoner. The causes are many, but as suggested in the following quote, skills training and employment are internationally identified as pathways out of the recidivistic life of crime:

*While many factors contribute to re-offending, offenders and ex-offenders tend to have skills levels well below those of the general population, and are much more likely to be unemployed. Yet sustained employment is a key to leading a crime-free life.*<sup>3</sup>

Indeed, it is well recognised that stable employment is one of the best predictors of post release success. Writing in *The Sydney Morning Herald*, Dr Don Weatherburn, the director of the NSW Bureau of Crime Statistics and Research, draws attention to research that shows the links between crime rates and long term unemployment in the under forty year olds.<sup>4</sup> Other research shows that there is “a clear link between crime and work. Having a legitimate job lessens the chances of reoffending following release from prison.”<sup>5</sup> Another review of several studies indicates that work programs had a significant impact on the employment outcomes and recidivism rates of males who were over the age of 26.<sup>6 7</sup> This is also the conclusion reached by the Department of Corrective Services in Western Australia in establishing an Adult Offender Employment Board in 2010:

*World wide evidence suggests that employment and a reduction in re-offending are linked and that the key factors are stability and quality of employment. Studies in USA and Canada indicate that recidivist rates for those who participate in prison industry or receive vocational instruction or traineeship training are lower than for those who do not participate.*<sup>8</sup>

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<sup>2</sup> Submission No. 3 from Training WA, February 2010, p6.

<sup>3</sup> Department for Education and Skills, *Reducing re-offending through skills and employment*, 2005. HMSO, Norwich, p6.

<sup>4</sup> Dr Don Weatherburn, ‘A complex link between recession and crime,’ 13 April 2009. Available at: <http://www.smh.com.au/opinion/a-complex-link-between-recession-and-crime-20090412-a3yc.html>. Accessed on 20 April 2010.

<sup>5</sup> *Outside the Walls: A National Snapshot of Community-Based Prisoner Reentry Programs*, 2004. Available at: [http://www.reentrymediaoutreach.org/pdfs/employment\\_bp.pdf](http://www.reentrymediaoutreach.org/pdfs/employment_bp.pdf). Accessed on 20 April 2010.

<sup>6</sup> Bushway, Shawn and Peter Reuter, (2002) “Labor Markets and Crime Risk Factors” in Sherman, Lawrence, David Farrington, Brandon Welsh and Doris MacKenzie, *Evidence-Based Crime Prevention*, Rutledge Press, NY, NY.

<sup>7</sup> *Outside the Walls: A National Snapshot of Community-Based Prisoner Reentry Programs*, 2004. Available at: [http://www.reentrymediaoutreach.org/pdfs/employment\\_bp.pdf](http://www.reentrymediaoutreach.org/pdfs/employment_bp.pdf). Accessed on 20 April 2010.

<sup>8</sup> Department of Corrective Services, *Adult Offender Employment Board, Charter and Terms of Reference*, report prepared by Kathy Csaba, Department of Corrective Services, 2010, p1.

This is not to discount the significant contribution of education and other strategies.

*Our key focus is to positively influence offender behaviour to reduce reoffending. We have many interventions, and the people to deliver them, that will make a positive difference in some form including education and vocational training, employment skills, program intervention, healthcare, life skills, counselling and providing a structured day.<sup>9</sup>*

With low effective literacy rates a feature amongst 70% of inmates in Western Australia, a key factor to finding and maintaining employment is the development of certain basic skills such as reading, writing, numeracy and language to the level necessary to succeed in the labour market.

### **Finding 1**

Although there is very little Western Australian research, interstate research and international meta analyses demonstrate the significant contribution that education and employment make to the reduction in reoffending rates.

## **1.1 Background**

Stopping criminals reoffending is an important aim of any corrective system even as it maintains its paramount priority of community safety. As evidenced above, a large proportion of prisoners continue their involvement in a life of crime upon release. This raises the issue of what can be done to better serve prisoners and their families, reduce recidivism and thereby enhance community safety.

With this in mind the Committee sought to understand through this Inquiry how the known risks of re-offending could be reduced and reintegration improved.

An important contextual factor in the current delivery of rehabilitative programs and services is that of overcrowding. Significant contributors to overcrowding have been the recent changes in sentencing laws combined with the application of a stricter interpretation of the *Sentencing Act 1995*. These factors have resulted in a significant increase in the prisoner population in recent years.

One consequence of prisoners being released without parole is that they return to the community without monitoring, supervision or support.

*Those people who serve their whole time—some people do not even get a parole term—are simply released from prison without any assistance whatsoever.<sup>10</sup>*

<sup>9</sup> Department of Corrective Services, *Annual Report 2009*, p6.

<sup>10</sup> Justice Narelle Johnson, Chairperson, Prisoners Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p10.

A major consequence of over crowding is diminished accessibility to prison programs and services. This is a broadly acknowledged issue and one that is acknowledged by Justice Johnson:

*I would have thought that it was self-evident that increased numbers would impact on program delivery, employment prospects or employment training opportunities, because I imagine that they are set at a particular level and any increase would mean that there are too many people for a particular program and matters of that nature.<sup>11</sup>*

The Committee also heard anecdotal evidence to the effect that if prisoners do not believe their chances of parole are advantaged, they are less likely to take part in rehabilitation programs.

## 1.2 The scope of this report

This is the first of two reports that the Committee intends to publish on its *Making Our Prisons Work* Inquiry. This report focuses on the context in which employment strategies and prison industries operate and considers the efficiency and effectiveness of those strategies.

In particular this report seeks to identify:

- the problems faced as a result of over crowding;
- the education and employment profile of prisoners;
- the current approaches to prisoner employment and prison industries in Western Australia; and
- the opportunities latent in alternative strategies.

This interim report does not examine broader vocational education and training, re-entry, data collection activities, the gaps in post release outcomes between indigenous and non-indigenous offenders, nor the integration of rehabilitation strategies.

This is not a reflection of the importance attached to these issues. They will be addressed in the subsequent report.

## 1.3 Conduct of the Inquiry

The Inquiry's Terms of Reference were announced to the Legislative Assembly on 26 November 2009 and were placed on the Parliament's web site following the Speaker's Statement. An advertisement inviting submissions to the Inquiry appeared in *The West Australian* newspaper on 16 January 2010 and in *Australian Policy Online* on 10 February 2010. Submissions were also sought from a number of State Government Agencies, as well as other relevant stakeholders. In response, the Committee received 16 submissions. These are listed in Appendix One.

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<sup>11</sup> Justice Narelle Johnson, Chairperson, Prisoners Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p2.

A total of eleven public hearings were conducted during which the Committee heard evidence from twenty two witnesses. Witnesses who gave evidence to the Committee are detailed in Appendix Two.

In addition to public hearings, the Committee had a number of site visits and briefings in Western Australia and in Singapore in relation to the Inquiry. These are listed in Appendix Three.



## CHAPTER 2 THE PRISON SYSTEM IN WESTERN AUSTRALIA

### 2.1 The Department of Corrective Services

Correctional services in Australia are the responsibility of the state governments. In Western Australia, the Department of Corrective Services (DCS) began operations as a separate entity in February 2006 following a recommendation of the Inquiry into the Management of Offenders in Custody and in the Community (The Mahoney Inquiry).<sup>12</sup> The inquiry recommended that the former Department of Justice separate into two agencies - the Department of Corrective Services and the Department of the Attorney General. When tabling the report, the then Premier, Hon Dr Geoff Gallop, announced in Parliament that:

*The new Department of Corrective Services will improve focus and accountability in the management of offenders. We believe that a department dedicated to the management of offenders will improve performance in this area and community safety.*<sup>13</sup>

#### (a) Prison details

DCS is responsible for managing adult and juvenile offenders in custody and in the community. It manages prisoners in the State's 13 public prisons and 6 work camps. DCS also has oversight of the publicly owned/privately managed Acacia prison on behalf of the State.

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<sup>12</sup> Parliament of Western Australia, *Inquiry into the Management of Offenders in Custody and in the Community*, Hon. Dennis Mahoney, AO QC, Special Inquirer, Parl. Paper 1100, Legislative Assembly, 23 November 2005.

<sup>13</sup> Dr G. I. Gallop, Premier, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 23 November 2005, p7628.

**(i) Adult Prisons**

A synopsis of each prison is as follows:<sup>14 15 16</sup>

**Table 2.1 Metropolitan and Regional Prisons**

<b>Acacia Prison Wooroloo</b>	<b>Details</b>
Opened	May 2001
Gender of Population	Male
Security Level	Medium security
Original Capacity	750
Design Capacity	750
Operational Capacity	1006
Current Count	994

<b>Bandyup Women's Prison - Guildford</b>	<b>Details</b>
Opened	January 1970
Gender of Population	Female
Security Level	Maximum, medium, and minimum
Original Capacity	68
Design Capacity	183
Operational Capacity	189
Current Count	256

<sup>14</sup> Original Capacity refers to the bed capacity of the prison when it was very first opened. Design Capacity refers to the total number of cells designed for single occupancy, plus the number of designated beds for shared cells or dormitories. Operational Capacity refers to the design capacity plus additional cells within a centre which are not intended as long term accommodation (e.g. temporary bunks / beds).

<sup>15</sup> <http://www.correctiveservices.wa.gov.au/A/adultoffenderlocprison.aspx?uid=3024-9081-0370-5607> (accessed 23 February 2010).

<sup>16</sup> "Current Count" figures extrapolated from Adult Offenders, Count by Facility, Status, Ethnicity and Gender, Valid as at 13 May 2010. <http://www.correctiveservices.wa.gov.au/about-us/statistics-publications/statistics/2010.aspx> accessed on 20 May 2010.

<b>Boronia Pre-release Centre for Women - Bentley</b>	<b>Details</b>
Opened	May 2004
Gender of Population	Female
Security Level	Minimum
Original Capacity	71
Design Capacity	70
Operational Capacity	70
Current Count	70

<b>Casuarina Prison - Casuarina</b>	<b>Details</b>
Opened	June 1991
Gender of Population	Male
Security Level	Maximum, medium, and minimum
Original Capacity	360
Design Capacity	397
Operational Capacity	700
Current Count	664

<b>Hakea Prison - Canning Vale</b>	<b>Details</b>
Opened	June 1982
Gender of Population	Male
Security Level	Maximum, medium, minimum
Original Capacity	325
Design Capacity	617
Operational Capacity	890
Current Count	824

<b>Karnet Prison Farm - Serpentine</b>	<b>Details</b>
Opened	March 1963
Gender of Population	Male
Security Level	Minimum
Original Capacity	80
Design Capacity	174
Operational Capacity	226
Current Count	235

<b>Wooroloo Prison Farm - Wooroloo</b>	<b>Details</b>
Opened	1972
Gender of Population	Male
Security Level	Minimum
Original Capacity	120
Design Capacity	249
Operational Capacity	340
Work Camp Capacity	12
Current Count	336

<b>Albany Regional Prison</b>	<b>Details</b>
Opened	September 1966
Gender of Population	Male
Security Level	Maximum, medium, minimum
Original Capacity	72
Design Capacity	186
Operational Capacity	331
Current Count	298

<b>Broome Regional Prison</b>	<b>Details</b>
Opened	February 1945
Gender of Population	Male and female
Security Level	Maximum, medium and minimum
Original Capacity	NA
Design Capacity	66
Operational Capacity	88
Work Camp Capacity	40
Current Count	132

<b>Bunbury Regional Prison</b>	<b>Details</b>
Opened	February 1971
Gender of Population	Male
Security Level	Maximum, medium and minimum,
Original Capacity	85
Design Capacity	223
Operational Capacity	338
Current count	328

<b>Eastern Goldfields Regional Prison - Boulder</b>	<b>Details</b>
Opened	October 1980
Gender Of Population	Male and female
Security Level	Maximum, medium and minimum
Original Capacity	82
Design Capacity	100
Operational Capacity	110
Work Camp Capacity	20
Current Count	121

<b>Greenough Regional Prison</b>	<b>Details</b>
Opened	October 1984
Gender of Population	Male and female
Security Level	Maximum (remand), medium, minimum
Original Capacity	126
Design Capacity	219
Operational Capacity	293
Current Count	283

<b>Pardelup Prison Farm</b>	<b>Details</b>
Opened	1927
Gender of Population	Male
Security Level	Minimum
Original Capacity	66
Design Capacity	N/A
Operational Capacity	90
Work Camp Capacity	12
Current Count	72

<b>Roebourne Regional Prison</b>	<b>Details</b>
Opened	March 1984
Gender of Population	Male and female
Security Level	Maximum (short-term) medium, minimum and
Original Capacity	116
Design Capacity	116
Operational Capacity	161
Work camp Capacity	8
Current Count	188



**Table 2.2****Summary of Prison Capacity<sup>17 18</sup>**

<b>Prison</b>	<b>Original</b>	<b>Design</b>	<b>Operational</b>	<b>Current Count</b>
Acacia Prison	750	750	1006	994
Albany Regional Prison	72	186	331	298
Bandyup Women's Prison	68	183	189	256
Boronia Pre-release Centre for Women	71	70	70	70
Broome Regional Prison	N/A	66	88	132
Bunbury Regional Prison	85	223	338	328
Casuarina Prison	360	397	700	664
Eastern Goldfields Regional Prison	82	100	110	121
Greenough Regional Prison	126	219	293	283
Hakea Prison	325	617	890	824
Karnet Prison Farm	80	174	226	235
Pardelup Prison Farm	66	N/A	90	72
Roebourne Regional Prison	116	116	161	188
Wooroloo Prison Farm	120	249	340	336
<b>TOTAL</b>	<b>2321</b>	<b>3350</b>	<b>4832</b>	<b>4801</b>

<sup>17</sup> Figures extrapolated from <http://www.correctiveservices.wa.gov.au/A/adultoffenderlocprison.aspx?uid=3024-9081-0370-5607> (last accessed 18 March 2010).

<sup>18</sup> Original Capacity refers to the bed capacity of the prison when it was very first opened. Design Capacity refers to the total number of cells designed for single occupancy, plus the number of designated beds for shared cells or dormitories. Operational Capacity refers to the design capacity plus additional cells within a centre which are not intended as long term accommodation (e.g. temporary bunks / beds).

### **Juvenile Prisons**

For the purposes of sentencing, the *Young Offenders Act 1994* defines a young person as meaning

- (a) a person who has not reached the age of 18 years; or
- (b) a person to whom this Act applies because of section 4.<sup>19</sup>

The Department of Corrective Services manages two detention centres for juvenile offenders (aged 10-17 years) – Banksia Hill Juvenile Detention Centre<sup>20</sup> in Canning Vale and Rangeview Juvenile Remand Centre in Murdoch. Juveniles are held in these centres when awaiting bail or for their court case to be heard, awaiting sentencing or after they have been sentenced to a period of detention. All juvenile female detainees (whether sentenced or on remand) are accommodated at Rangeview. However any juvenile males sentenced to detention may go to either of the two centres.

This process, however, is due to change with the Rangeview site undergoing conversion to a new Young Adults Prison. This will be an 80 bed facility specifically for 18 - 22 year old non-violent male offenders and is due for completion in 2011. Upon completion Rangeview will no longer accommodate juvenile offenders and additional units will be constructed within the Banksia Hill complex to accommodate the younger age cohort.

The expansion includes a further 80 beds, education and program rooms, staff offices, extra self-care units and an extension of the admissions building. The admissions building will cater for round-the-clock admissions and serve as a remand facility. A women's precinct will also be constructed within Banksia Hill but will remain completely separate from the male centre. This section will have its own recreation, program, and educational facilities, as well as a self-care unit and a young mothers and babies unit. Once completed, the Banksia Hill centre will become the hub for all arrest, remand and sentenced young offenders.<sup>21</sup>

With the transfer of juveniles to Banksia Hill, Rangeview will convert to a young adults facility with the resultant Young Adults Prison said to be the first of its kind in Australia:

*The focus of the prison will be to help young offenders turn away from a life of crime to ensure that they do not become habitual criminals. Education and training programs will be offered to improve literacy and numeracy skills, computer courses, business studies, trades and life skills.*

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<sup>19</sup> Young Offenders Reaching 18 - If a person commits or allegedly commits an offence before reaching the age of 18 years, this Act applies to the person as a young person for purposes connected with that offence or any order that was made in dealing with the person for that offence.

<sup>20</sup> <http://www.correctiveservices.wa.gov.au/Y/young-adults-prison.aspx?uid=7727-8743-5422-1121> Accessed on 24 February 2010.

<sup>21</sup> Alisha Glenny, 'New direction for youth', *insideOut*, vol. 12, no.1, February 2010, p9.

*There will also be a focus on helping offenders better prepare themselves for release and successful resettlement into the community.*<sup>22</sup>

## **(ii) Acacia Prison**

Acacia, the first and only privately operated prison in Western Australia opened in May 2001. Acacia Prison was “to provide an example of best practice in custodial services with the aim of system wide improvements.”<sup>23</sup> The Inspector of Custodial Services’ 2006 report in relation to Acacia Prison states that the Government’s objective in out-sourcing the management of a new prison to the private sector was:

*(a) to articulate a new operational philosophy for the prison system as a whole and commence its implementation in a setting that was unencumbered by old assumptions and sceptical personnel; (b) to identify a contractor who would achieve a high level of performance; (c) as an aspect of this, to bring about innovation in the culture, programs and regime arrangements; and (d) to leverage cross-fertilisation and thus system-wide change and improvement from the private prison into the public system.*<sup>24</sup>

The *Acacia Prison Services Agreement (The Agreement)* is the contract for management and operation of the prison. *The Agreement* provides prison services in accordance with the *Prisons Act 1981* and is administered by the Department of Corrective Services.

Australian Integration Management Services Corporation (AIMS) held the initial 5 year contract to provide prison services but failed to win the contract a second time. The current operator Serco Australia Pty Ltd (Serco) commenced a 5 year contract in May 2006.

*The Agreement* provides for a base operating sum to be paid to the contractor as well as performance linked fees and abatements for specified events.<sup>25</sup> Part of Serco’s funding for operating the prison is linked to performance measures. The Inspector of Custodial Services advised the Committee:

*The way it works at Acacia Prison is that they get paid a fee for housing the prisoners and so on, but part of that fee is held back as what they call a performance-linked fee. They will get that percentage only if they meet certain targets.*<sup>26</sup>

<sup>22</sup> Prisons Policy, 2008 Election Commitments Liberal Party of Western Australia. [www.wa.liberal.org.au](http://www.wa.liberal.org.au) accessed 24 February 2010.

<sup>23</sup> Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Acacia Prison*, Report No 32, March 2006, p1.

<sup>24</sup> Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Acacia Prison*, Report No 32, March 2006, pv.

<sup>25</sup> Full details can be found in *Acacia Prison Services Agreement*, Schedule and Annexes. [http://www.correctiveservices.wa.gov.au/A/acacia\\_security\\_management\\_contract.aspx](http://www.correctiveservices.wa.gov.au/A/acacia_security_management_contract.aspx) (accessed 25 February 2010).

<sup>26</sup> Prof Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p3.

Furthermore, in relation to the number of hours of meaningful employment for prisoners, the Inspector commented:<sup>27</sup>

*Acacia, perhaps partly because of that, has been more successful than some of the other prisons in meeting the requirements. Under the contract, to get its performance-linked fee, Acacia is required to meet a target of six hours' meaningful activity per day.*<sup>28</sup>

This adheres with the Inspector of Custodial Services *Code of Inspection Standards* which states that a prisoner's working day should be constructive and of meaningful length and that full time work should comprise at least six hours of work a day for five days a week.<sup>29</sup>

The Inspector of Custodial Services makes the following comparison with the publicly operated prisons in the State, where no such contractual requirement exists:

*...aside from prison kitchens which often require a long working- day from prisoners, it is rare for prisoners in public prisons to work more than three to four hours each working day. Establishing a goal of a 6 hour working day in all publicly-operated prisons would enhance the workplace culture in those prisons.*<sup>30</sup>

With respect to meaningful employment, The Inspector made the point that "meaningful" is complex to measure:

*In a number of prisons some people are employed for relatively short periods on fairly menial tasks, like cleaning a residential unit. That job might in the past have taken somebody two hours or so. With the realities of overcrowding, you also find now that sometimes that job may actually be split between two prisoners, so that you find two prisoners are now doing a job that was not previously what you would target as an appropriate level of employment. We have figures from a recent inspection of Hakea Prison. On our figures, 43 per cent were unemployed and 23 per cent were employed on cleaning and unit tasks. These are the relatively menial short-duration activities. When we did an inspection of Greenough prison last year, we found that 50 per cent of the people at Greenough were actually employed on these types of tasks. It is a very complex thing to measure.*

On a national basis, the latest report on government services indicates that Western Australia has approximately 77% of eligible prisoners employed, and is second only to Victoria.<sup>31</sup> The report

<sup>27</sup> In accordance with *Acacia Prison Services Agreement*, Schedule and Annexes 6.11 Performance Measure 11, Acacia is assessed on the number of Prisoners involved in a structured activity for no less than 30 hours a week.

<sup>28</sup> Prof Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p3.

<sup>29</sup> Code of Inspection Standards for Adult Custodial Services OIC. CS, Standard 135.1 <http://www.custodialinspector.wa.gov.au/go/inspections>. Accessed 26 March 2010.

<sup>30</sup> Submission No. 2 from Inspector of Custodial Services, 11 February 2010, p7.

<sup>31</sup> Table 8A.20 available at [http://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0010/93934/30-chapter8-attachment.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0010/93934/30-chapter8-attachment.pdf)

calls for caution when comparing this particular indicator between prisons. Factors such as local economic conditions can affect the capacity to attract viable prison industries. Such dynamics are particularly relevant where prisons are remote from large population centres and there are factors outside of the control of corrective services.<sup>32</sup>

### **(iii) Other correctional facilities**

In addition to the prisons already mentioned, the Department of Corrective Services manages six work camps in regional communities across the state. Work camps provide low-risk minimum security prisoners with opportunities to live in a less institutionalised environment in preparation for release. Prisoners based in work camps interact with local communities in undertaking work projects, and have the opportunity to participate in accredited training opportunities. Training opportunities include occupational health and safety, first aid, large machinery operation, and chemical handling.<sup>33</sup>

Reportedly, in 2009, work camp prisoners performed a total of 92,264 hours of community work at an anticipated saving to the community of \$1,469,766. The work performed by prisoners was in relation to areas such as tourism, heritage, community projects, the environment, recreation and disaster relief.<sup>34</sup>

### **(b) Prisoner assessment and placement**

At entry, prisoners undergo assessment in three areas - security, health and community re-integration needs. The assessment and placement of offenders in prisons is governed by the *Prisons Act 1981* and the Director General Rules pertaining to the DCS. Procedures within DCS Adult Custodial Rule 18 *Assessment and Sentence Management of Prisoners* govern the process of determining prisoner security ratings on entry and subsequent prison placement. In accordance with these, the Western Australian prison classification system used the Management and Placement Checklist (MAP) to assign one of three initial security ratings to prisoners - maximum, medium or minimum. DCS defines the security ratings as follows:<sup>35</sup>

- **Maximum Security:** Prisoners for whom high conditions of security are necessary and for whom escape must be made very difficult. Defined as presenting a high risk of escape and/or a high risk to the safety of the public in the event of escape.

<sup>32</sup> Report on Government Services 2009, Corrective Services, 8.19 available at: <http://www.pc.gov.au/gsp/reports/rogs/2009>.

<sup>33</sup> Department of Corrective Services *10<sup>th</sup> Anniversary of Work Camps in Western Australia*, p9.

<sup>34</sup> Submission No. 15 from Department of Corrective Services, 9 March 2010, p49.

<sup>35</sup> Department of Corrective Services, Director General Rules, Adult Custodial Rule 18 *Assessment and Sentence Management of Prisoners* (3) Definitions. [http://www.correctiveservices.wa.gov.au/\\_files/prisons/adult-custodial-rules/ac-rules/ac-rule-18.pdf](http://www.correctiveservices.wa.gov.au/_files/prisons/adult-custodial-rules/ac-rules/ac-rule-18.pdf). Accessed 16 March 2010.

- Medium Security: Prisoners who cannot be trusted in open conditions. Whilst these prisoners cannot be trusted in an open prison they do not present as having the resources or will to make a determined escape attempt from a secure prison. Defined as presenting a low to moderate risk of escape and/or a moderate risk to the safety of the public in the event of an escape.
- Minimum Security: Prisoners who can be reasonably trusted in open conditions. Requiring a low degree of supervision and control within the prison. (Prisoner's eligibility for section 95 external programme activity and work camp placement may be subject to additional screening criteria.)

The outcome of the security assessment then further determines placement within the prison system as follows:

**Table 2.3**  
**Prison Security Classifications<sup>36</sup>**

Prison	Minimum	Medium	Maximum
Acacia Prison	X	X	
Albany Regional Prison	X	X	X
Bandyup Women's Prison	X	X	X
Boronia Pre-Release Centre for Women	X		
Broome Regional Prison	X	*	*
Bunbury Regional Prison	X	X	*
Casuarina Prison	X	X	X
Eastern Goldfields Regional Prison	X	*	*
Greenough Regional Prison	X	X	*
Hakea Prison	X	X	X
Karnet Prison Farm	X		
Pardelup Prison Farm	X		
Roebourne Regional Prison	X	X	*
Wooroloo Prison Farm	X		

**Note:** \* Indicates a capacity for temporary placement in a restricted security section of the prison.

All newly sentenced prisoners undergo a comprehensive assessment to determine health requirements, work placement, and program and education needs. An Individual Management Plan (IMP)<sup>37</sup> is then developed that outlines the management of the prisoner in relation to:

- Custody and Containment:

Term Details, Security Rating, Placement, Offender Behaviour, Outstanding Court Details, and information regarding Restricted Visits.

<sup>36</sup> Department of Corrective Services, Director General Rules, Adult Custodial Rule 18 Assessment and Sentence Management of Prisoners (9.3) Placement Considerations. [http://www.correctiveservices.wa.gov.au/\\_files/prisons/adult-custodial-rules/ac-rules/ac-rule-18.pdf](http://www.correctiveservices.wa.gov.au/_files/prisons/adult-custodial-rules/ac-rules/ac-rule-18.pdf). Accessed 16 March 2010.

<sup>37</sup> IMPs and their relation to education and training needs are discussed further throughout the report.

- Care and Wellbeing:  
Special Needs Referrals, Health Issues and Family/Social Contact Issues.
- Rehabilitation and Reintegration:  
Main Intervention Needs (identified through the application of Treatment and Education Checklists) and Specific Parole Issues.
- Reparation:  
Industry/Vocational Skills the offender has to offer.<sup>38</sup>

### (c) Funding for prisons<sup>39</sup>

**Table 2.4**

**Department for Corrective Services Total Appropriations and Unit Cost**

Budget Year	Amount \$'000	Average Daily Prisoner Numbers <sup>40</sup>	Cost Per Day Per Prisoner	Cost Per Annum
2009-2010	\$519,479 <sup>41</sup>	2009: 4402	\$273.17 <sup>42</sup>	\$99,707
2008-2009	\$508,833 <sup>43</sup>	2008: 3824	\$272.91 <sup>44</sup>	\$99,612
2007-2008	\$417,893 <sup>45</sup>	2007: 3774	\$285.68 <sup>46</sup>	\$104,273

The 2007-08 Budget Statements indicate that in the preceding year, the Department for Corrective Services focussed on implementing a number of initiatives emanating from the Mahoney Inquiry. Following the commencement of operations in February 2006, the focus was specifically in the area of operational management in effective governance and management.<sup>47</sup>

<sup>38</sup> [http://www.correctiveservices.wa.gov.au/\\_files/prisons/adult-custodial-rules/ac-rules/ac-rule-18.pdf](http://www.correctiveservices.wa.gov.au/_files/prisons/adult-custodial-rules/ac-rules/ac-rule-18.pdf). Accessed 17 March 2010.

<sup>39</sup> Operational costs only; excludes capital.

<sup>40</sup> Australian Bureau of Statistics, Corrective Services Australia, No. 4512.0, December Quarter 2009, p11.

<sup>41</sup> Government of Western Australia, *2009-10 Budget Statements*, p757.

<sup>42</sup> Department of Corrective Services *Annual Report 2009*, p15.

<sup>43</sup> Government of Western Australia, *2008-09 Budget Statements*, p1025.

<sup>44</sup> Department of Corrective Services *Annual Report 2007-08*, p134.

<sup>45</sup> Government of Western Australia, *2007-08 Budget Statements*, p1059.

<sup>46</sup> Department of Corrective Services *Annual Report 2006-07*, p97.

<sup>47</sup> Government of Western Australia, *2007-08 Budget Statements*, p1059.



### (d) The general impact of growth

Western Australia has experienced a significant increase in the prisoner population. Statistics released by the Department of Corrective Services show an increase in the daily average adult prisoner population of 33.5% over the past five years.<sup>48</sup> In its 2009 Annual Report, the Department reported the adult prisoner population had reached a new record high of 4422 in June 2009, 17.3% higher than the 30 June 2008 prisoner population of 3766.<sup>49</sup> This figure has since been exceeded with the adult prisoner population recorded as 4,828, as at 13 May 2010.<sup>50</sup>

This sharp increase in numbers has stretched the capacity of prison beds and related infrastructure. The Department has responded by increasing bed numbers, by instigating double-bunking arrangements and by refurbishing previously decommissioned cells and transportables. In addition, under the Custodial Infrastructure Program, DCS has been allocated \$655 million across Forward Estimates to increase capacity as follows:<sup>51</sup>

- the Eastern Goldfields Prison - a new 350 bed prison will be built adjacent to the existing prison;
- the Young Offenders Prison - an 80 bed prison for 18-22 year olds is being created at Rangeview through the construction of an additional 80 beds at Banksia Hill Detention Centre and the transfer of all juveniles in detention to the Banksia Hill site;
- Acacia Prison - an additional 387 beds will be added to the prison;
- work camps - two new work camps (total 50 beds) will be constructed at Warburton and in the Wheatbelt; and
- additional prisoner accommodation (double bunking) - to add or install 600 beds across the system including expansion of Pardelup Prison Farm by an additional 64 beds and Karnet Prison by an additional 120 beds.<sup>52</sup>

The 2009-10 Budget Papers also note:

- the West Kimberley Regional Prison, a new 150 bed facility, is due for completion by the end of 2011;
- the construction of the 40 bed Wyndham work camp;

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<sup>48</sup> Department of Corrective Services *Annual Report 2009*, p24.

<sup>49</sup> Department of Corrective Services *Annual Report 2009*, p20.

<sup>50</sup> Weekly Offender Statistics, Thursday Prisoner Population as at 13 May 2010. <http://www.correctiveservices.wa.gov.au/about-us/statistics-publications/statistics/2010.aspx> accessed on 20 May 2010.

<sup>51</sup> Department of Corrective Services *Annual Report 2009*, p20.

<sup>52</sup> Government of Western Australia, *2009-10 Budget Statements*, Budget Paper No. 2 Volume 3, p761.

- an additional unit at Wooroloo prison will be refurbished to add 74 beds; and
- a 24 bed unit will be completed at Banksia Hill.

The latter two projects are part of the Department's 2009-10 focus.<sup>53</sup>

In addition to the above program the Commissioner advised the Committee that DCS was also working on the expansion of related facilities:

*If I could just add as well, if I may: with the rolling out of the double bunks, obviously we realised there is pressure on other parts of the infrastructure. It is not just about putting a bunk in and strapping that to a wall. Other aspects of the infrastructure are also being upgraded. It needs additional phones, additional toilets, showers; other things that come with it as well. It is not just about us putting bunks in.*<sup>54</sup>

## 2.2 The Mahoney Inquiry

In November 2005, the *Report of the Inquiry into the Management of Offenders in Custody and the Community* (Mahoney report) was tabled in Parliament and became the effective blueprint for significant structural changes to the prison system in Western Australia.<sup>55</sup>

In relation to the inquiry, Justice Mahoney found three general aspects of the prison system that required attention and made the following statements:<sup>56</sup>

- *It should be recognised that the prison system needs to be a Regional Prison system... Where prisons are located in particular regions they should be structured so as to be (with relevant limitations) able to deal with all three classifications of prisoners...*
- *Prisons should be administered and the procedures followed (classification, case management, programs and re-socialisation) should be adjusted to take account of the nature of the prisoners in each prison. Administration should proceed on the basis that, in particular cases, what is administered in an Indigenous prison system may not be relevant in other facilities...*
- *It should be accepted that the prison system will include minimum security prisons (open prisons). These are an essential part of a modern prison system....It should be accepted that the function of such prisons is mainly the re-socialisation of*

<sup>53</sup> Government of Western Australia, *2009-10 Budget Statements*, Budget Paper No. 2 Volume 3, p762.

<sup>54</sup> Mr Ian Johnson, Commissioner, Department of Corrective Services, *Transcript of Evidence*, 23 September 2009, p4.

<sup>55</sup> Parliament of Western Australia, *Inquiry into the Management of Offenders in Custody and in the Community*, Hon. Dennis Mahoney, AO QC, Special Inquirer, Parl. Paper 1100, Legislative Assembly, 23 November 2005.

<sup>56</sup> *Inquiry into the Management of Offenders in Custody*, Hon. Denis Mahoney, AO QC Special Inquirer November 2005, p10.

*prisoners appropriate for the purpose. The berths available in minimum security prisons should be increased to take those prisoners classified as minimum security who are appropriate to be placed in a minimum security prison.*

The report identified the four main areas concerned with prisoner management as being:<sup>57</sup>

- (a) The classification and placement of prisoners (each prisoner is classified as suitable to be placed in a maximum, medium or minimum security prison).*
- (b) The case management of each prisoner (each prisoner is allocated to a particular prison officer who has primary responsibility for his management).*
- (c) The rehabilitation of prisoners by programs and courses (health, educational, work skills and treatment programs).*
- (d) Procedures directed to reducing the likelihood that the prisoner will offend on release (education and training courses, work and home leave and parole).*

In relation to (a) above, the Mahoney Inquiry found that the classification and case management of prisoners had not operated in an ideal way, and that three main problems had arisen from the use of the current system of corrections administration:<sup>58</sup>

- (a) Prisoners have escaped from minimum security prisons;*
- (b) Prisoners have injured prison staff and other prisoners; and*
- (c) Public outcry following escapes and injuries has been dealt with in ways that have caused injustice to staff and prisoners not involved, and damage to the system.*

Although critical of the operation of the classification and assessment system used at the time (and in particular the implementation and administration of that system),<sup>59</sup> Justice Mahoney found that improvements had commenced. Further recommendations in relation to that area of prisoner management were made.<sup>60</sup> It was recommended that case management be promoted throughout the whole of the prison system. Additionally it was recommended that the case management of prisoners be made more flexible to allow for the unique requirements of both individual prisoners as well as that of the prisons themselves.

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<sup>57</sup> *Inquiry into the Management of Offenders in Custody*, Hon. Denis Mahoney, AO QC Special Inquirer November 2005, pvii.

<sup>58</sup> *Inquiry into the Management of Offenders in Custody*, Hon. Denis Mahoney, AO QC Special Inquirer November 2005, pvii.

<sup>59</sup> *Inquiry into the Management of Offenders in Custody*, Hon. Denis Mahoney, AO QC Special Inquirer November 2005, p70-72.

<sup>60</sup> See Recommendations 18 - 23. *Inquiry into the Management of Offenders in Custody*, Hon. Denis Mahoney, AO QC Special Inquirer November 2005.

In respect to prisoner employment, the Mahoney Inquiry found that prison officers, both senior and otherwise, advocated the value of prisoner employment in prisoner management. One recommendation was that the Department should explore opportunities to increase and develop its prison industries, by including commercial and charitable arrangements.<sup>61</sup>

One of the major outcomes of the Mahoney Inquiry was that the Department of Justice be split into two agencies. It now operates as the Department of the Attorney General and the Department of Corrective Services. Justice Mahoney described the former Department of Justice as a “mega-department” with centralised decision-making as opposed to decision making at superintendent level in the prisons. The recommended administrative changes were seen as a way to shift administrative control of individual prisons to the superintendents.<sup>62</sup>

A further recommendation of the Inquiry has resulted in the establishment of the Clinical Governance Unit within the Department of Corrective Services. The unit will implement an integrated framework for measuring the quality of service, efficacy and standards of the Assessment and Counselling and Clinical Programs within the department.<sup>63</sup>

### 2.3 The Prisoners Review Board of Western Australia

Another significant reform following the Mahoney Inquiry related to parole. The Mahoney report defines parole as follows:

*Discharge of prisoners from custody prior to the expiry of the maximum term of imprisonment imposed by the sentencing court, provided that they agree to abide by certain conditions, with the intention that they serve some portion of their sentence under supervision in the community, subject to recall for misconduct.*<sup>64</sup>

As recommended by the Mahoney Inquiry, it was the government’s intent that the new board should “have increased transparency and accountability, a stronger focus on community safety and will better respond to the interests of victims of crime. Parole should not be a reward for good behaviour but rather a means of reducing reoffending.”<sup>65</sup>

As a result, the Prisoners Review Board (the Board) was established on 28 January 2007 replacing the Parole Board. This change occurred following the passing of *Parole and Sentencing*

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<sup>61</sup> *Inquiry into the Management of Offenders in Custody*, Hon. Denis Mahoney, AO QC Special Inquirer November 2005, p86-87.

<sup>62</sup> *Inquiry into the Management of Offenders in Custody*, Hon. Denis Mahoney, AO QC Special Inquirer November 2005, pxi (e).

<sup>63</sup> Submission No. 15 from Department of Corrective Services, 9 March 2010, p31.

<sup>64</sup> *Inquiry into the Management of Offenders in Custody*, Hon. Denis Mahoney, AO QC Special Inquirer November 2005, p114.

<sup>65</sup> Dr G. I. Gallop, Premier, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 23 November 2005, p7628.

*Legislation Amendment Act 2006* which amended various provisions of the *Sentence Administration Act 2003*.

The purpose of the amendments to the legislation was to:

*...clarify and enhance the administration of parole and early release of offenders in WA. Further, the Bill meets the Government's commitment to strengthen the releasing authorities' consideration of the interests of victims of crime by ensuring the appointment of victim's representatives to each of the Prisoners Review Board, the Mentally Impaired Accused Review Board and the Supervised Release Review Board and enables victims to make submissions to those Boards. Finally, the Bill amends the Sentencing Act 1995 to prohibit offenders being placed on pre-sentence orders when their offence was committed while they were on parole or suspended imprisonment.*<sup>66</sup>

The Prisoners Review Board is responsible for decisions relating to a prisoner's early release on parole. Approvals for life and indefinite sentence prisoners are the responsibility of the Minister<sup>67</sup> and the Governor. Thus the Board has the authority to grant, defer, or refuse parole, to those prisoners who are eligible for consideration for release from jail, allowing them to serve the balance of their sentences in the community.

The recent decline in the granting of parole has caused a significant increase in prison population. The Committee was advised by Justice Johnson that there are many factors relevant to a parole decision. Such factors include the nature of the original offence, prison conduct, and compliance with previous parole requirements.<sup>68</sup> Under the Act, the release considerations to be taken into account by the Prisoner Review Board include:

- (a) the degree of risk (having regard to any likelihood of the prisoner committing an offence when subject to an early release order and the likely nature and seriousness of any such offence) that the release of the prisoner would appear to present to the personal safety of people in the community or of any individual in the community;
- (b) the circumstances of the commission of, and the seriousness of, an offence for which the prisoner is in custody;
- (c) any remarks by a court that has sentenced the prisoner to imprisonment that are relevant to any of the matters mentioned in paragraph (a) or (b);
- (d) issues for any victim of an offence for which the prisoner is in custody if the prisoner is released, including any matter raised in a victim's submission;

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<sup>66</sup> PAROLE AND SENTENCING LEGISLATION AMENDMENT BILL 2006, Bill Synopsis, <http://www.parliament.wa.gov.au/parliament/bills.nsf/BillProgressPopup?openForm&ParentUNID=ECFEEE2E420BC772482571400037B701>.

<sup>67</sup> The Attorney General is the Minister responsible.

<sup>68</sup> Justice Narelle Johnson, Chairperson, Prisoner Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p8.

- (e) the behaviour of the prisoner when in custody insofar as it may be relevant to determining how the prisoner is likely to behave if released;
- (f) whether the prisoner has participated in programmes available to the prisoner when in custody, and if not the reasons for not doing so;
- (g) the prisoner's performance when participating in a programme mentioned in paragraph (f);
- (h) the behaviour of the prisoner when subject to any release order made previously;
- (i) the likelihood of the prisoner committing an offence when subject to an early release order;
- (j) the likelihood of the prisoner complying with the standard obligations and any additional requirements of any early release order;
- (k) any other consideration that is or may be relevant to whether the prisoner should be released.<sup>69</sup>

When taking into account the considerations above, the Act also requires the Prisoner Review Board at all times to place the interests of the safety of the Community above all else.<sup>70</sup>

Decisions made by the Prisoner Review Board can be made public. This process follows a recommendation of the Mahoney Inquiry where it was considered important that the Board be able to inform the public of its decisions. The report of the Mahoney Inquiry considered that such communications would improve the public's understanding of the Board's functions as well as instil public confidence.<sup>71</sup> This recommendation was subsequently incorporated into the *Sentence Administration Act 2003* (the Act).<sup>72</sup>

### **(a) Changes in administration**

Apart from Legislative changes to the Act, the Chairman of the Prisoner Review Board advised the Committee that some of the processes had changed since her appointment in March 2009. In particular:

- prisoners applying for parole can no longer make representation to the Board by video link thus removing the emotional response factor from decision making;<sup>73</sup>

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<sup>69</sup> *Sentence Administration Act 2003, s5A.*

<sup>70</sup> *Sentence Administration Act 2003, s5B.*

<sup>71</sup> *Inquiry into the Management of Offenders in Custody and in the Community*, Recommendation 41, pxxii.

<sup>72</sup> *Sentence Administration Act 2003, s107C.*

<sup>73</sup> Justice Narelle Johnson, Chairperson, Prisoner Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p3-4.

- the former practice of having only one board member read a file and advise other board members of the details has now ceased;<sup>74</sup>
- the number of matters per meeting has been reduced to allow for informed debate on the merit of the material presented;<sup>75</sup>
- in relation to VET and employment, and program completion in particular, Justice Johnson advised the Committee that, although the Board takes program completion into account, this is only one factor in the decision making process:

*We look at every program they do. We in fact often release people based on their involvement in voluntary programs simply because it shows on their part a desire to implement change in the way they lead their life... With the greatest respect, the fact that prisoners may think that the programs that they are engaging in are not being taken into account does not mean that it is true. It may mean that with certain prisoners, a program they engaged in—although they got a successful outcome report—may have indicated minimal treatment gains, and quite a number of them do, and some of them still identify significant outstanding issues. It would be irresponsible to release that person simply because they have done a program.... In fact the number of prisoners we have who apply for parole, who have done them in the past and continue to reoffend, is some indication that they are not the panacea for all ills that prisoners might like them to be.<sup>76</sup>*

And, in respect to prisoners already on parole:

- random urinalysis drug testing of prisoners on parole as opposed to notified testing; and<sup>77</sup>
- breaches of parole are no longer overlooked:

*One of the things that I found after a while was that people on parole were in fact taking drugs; testing positive for drugs; committing offences; they were not turning up for treatment or for reporting, sometimes consistently; and the board was not being advised. There was a view held by the CCOs that if you were employed, all those sorts of breaches of the parole order that the prisoner had signed would be overlooked. There was also a practice that if your breaches were not consecutive—that is, three in a row—no action would be taken. If you understand the purpose of parole and you understand that a person on parole is a sentenced prisoner, there is in my view no scope for them to be offending; taking drugs, which is an offence for which they get punished in prison; or for them not to*

<sup>74</sup> Justice Narelle Johnson, Chairperson, Prisoner Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p5 & p12.

<sup>75</sup> Justice Narelle Johnson, Chairperson, Prisoner Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p13.

<sup>76</sup> Justice Narelle Johnson, Chairperson, Prisoner Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p13.

<sup>77</sup> Justice Narelle Johnson, Chairperson, Prisoner Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p10.

*comply with the requirements—that is not parole. There is no literature which suggests that allowing a prisoner to breach all of the requirements of parole is rehabilitative.*<sup>78</sup>

Apart from Justice Johnson's own evidence to the Committee, independent witnesses also made comment about current practices. For instance:

*Parole board practices have changed. The parole legislation is in fact quite discretionary in nature, and it was always a possibility that different chairs would take a different view on the interpretation of that legislation.*<sup>79</sup>

The way in which the Act is now being interpreted has also anecdotally had an effect on the prisoners themselves. The Committee was advised by the Superintendent of Hakea Prison that:

*There is conversation with prisoners about their understanding of parole process as it stands at the moment. I often speak with them at various moments in time, and they are very much across the idea that parole is quite hard to get hold of nowadays.*<sup>80</sup>

## **(b) The impact of parole decisions on prison numbers**

The proportion of prisoners gaining early release from prison when they have become eligible to apply for parole decreased significantly 2008 - 09. Figures released by the Prisoner Review Board indicate that in the year ending 30 June 2007 of the 2483 prisoners applying for release under parole, 1937 were granted early release while 682 were refused.<sup>81</sup> The following year of the 2732 prisoners eligible, 2323 were released and 493 were not.<sup>82</sup> Figures for 2009 show that of the 3051 eligible prisoners, 1957 were released while 855 were refused an early release order.<sup>83</sup>

**Table 2.5**

**Prisoner Parole Figures**

<b>Year Ending</b>	<b>Eligible Prisoners</b>	<b>Parole Granted</b>	<b>Parole Denied</b>
30 June 2009	3051	1957	855
30 June 2008	2732	2323	493
30 June 2007	2483	1937	682

<sup>78</sup> Justice Narelle Johnson, Chairperson, Prisoner Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p5.

<sup>79</sup> Professor Neil Morgan, Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010 p9.

<sup>80</sup> Mr Ian Clark, Superintendent, Hakea Prison, *Transcript of Evidence*, 19 January, p3.

<sup>81</sup> Prisoner Review Board *Annual Report 2007*, p12.

<sup>82</sup> Prisoner Review Board *Annual Report 2008*, p16.

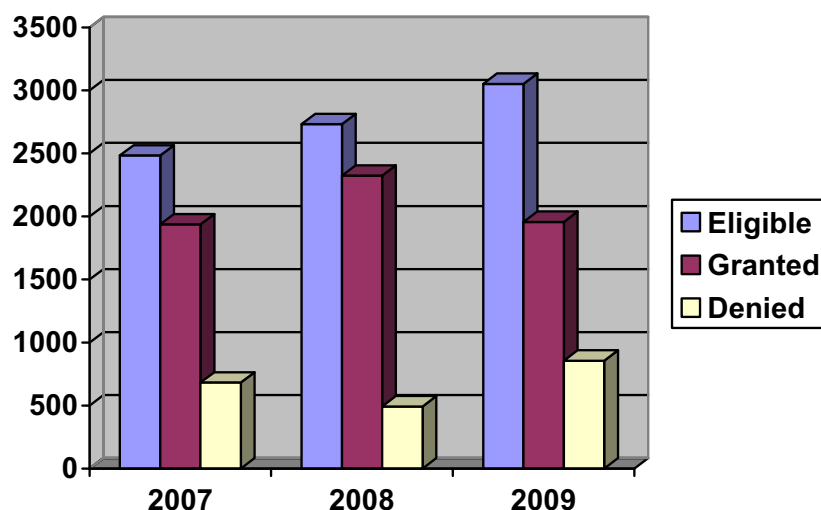
<sup>83</sup> Prisoner Review Board *Annual Report 2009*, p10.



These figures are represented in the chart below:<sup>84</sup>

**Figure 2.1**

**Parole figures 2007 - 2009**



It is the view of the Inspector of Custodial Services that releasing practices have an equal impact on prison numbers as do sentencing regimes:

*I think people tend to assume that what drives imprisonment rates is what happens in court. I was on the parole board for years. I very quickly reached the conclusion that it was not just what happened in court and sentencing practices, it was actually releasing practices that were equally important in terms of prisoner numbers.<sup>85</sup>*

Prison numbers and overcrowding are not taken into account by the Prisoner Review Board yet the impact of prisoners not being granted parole does have a real effect on the system as a whole.

*When the volume of the prison exceeds the design capacity, it has a whole range of implications on services. Accommodation is just one aspect. In terms of the programs and service deliveries—things like visits, maintaining a structured day for the prisoners in terms of their recreational time, employment opportunities, education and programs—they all come under pressure. It also puts pressure on the facilities itself; the actual*

<sup>84</sup> Figures have only been collated from the inception of the Prisoners Review Board. Reports of the former Parole Board do not carry information in relation to short term parole. Amendments to legislation following the Mahoney Report saw the responsibility for short term parole orders shift from the CEO to the to the Prisoner Review Board a that time.

<sup>85</sup> Professor Neil Morgan, Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p9.

*infrastructure. That has an implication for maintenance. It is right across the board. It is beyond just accommodation.*<sup>86</sup>

The effects of the increasing numbers of prisoners are evidenced in:

- prison infrastructure where multiple occupancy in cells originally designed for single occupancy is now the norm throughout the system. This is achieved by way of double bunking or the use of trundle beds. Triple bunking also occurs in some prisons.<sup>87</sup>
- prisoner movement within the system is gridlocked and there is limited capacity for prisoners to move from medium to minimum security prisons:

*There is quite a significant number of prisoners there [at Casuarina and Hakea] who are actually classified minimum security but they cannot move through the system up to a minimum security placement because the people from minimum are not getting out on parole as they might have done. I make no comment on the rights and wrongs of that, but the fact is that five or six years ago a significant number of those people would have been released on parole. So there is a bit of a gridlock which creates some of the difficulty.*<sup>88</sup>

Return to prison orders resulting from suspension and cancellation of parole can equally be seen to have an effect on the numbers. The Committee was advised that the Prisoner Review Board dealt with a significant number of parolees who breached parole and were therefore returned to prison. The most recent Prisoner Review Board Annual Report indicates that 468 prisoners were in this category with the main reasons for cancellation cited as:

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<sup>86</sup> Mr Ian Johnson, Commissioner, Department of Corrective Services, *Transcript of Evidence*, 23 September 2009, p2.

<sup>87</sup> Mr Ian Johnson, Commissioner, Department of Corrective Services, *Transcript of Evidence*, 23 September 2009, p2-3.

<sup>88</sup> Professor Neil Morgan, Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p10.

**Table 2.6****Main Reasons for Cancellation of Parole and Return to Prison<sup>89</sup>**

<b>Offence committed</b>	<b>Number of Prisoners</b>
Reoffending	166
Failure to Comply with Order	135
Failure to Report	90
Drug Use	69

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<sup>89</sup> Prisoner Review Board *Annual Report 2009*, p10.



## CHAPTER 3 PRISONER REHABILITATION

*The notion of offender reintegration into society is conceptually challenging when considered against the background of widespread exclusion, marginalisation and inequality.<sup>90</sup>*

Stopping re-offending is an important part of any justice system. However, it is one of three facets of imprisonment, namely:

- punishment of the prisoner;
- protection of society; and
- rehabilitation of the prisoner.

There are three primary strands to prisoner rehabilitation strategies while in prison, namely: treatment programs, education and employment.

There are collateral benefits in terms of prison management that arise from the running of programs, employment opportunities, training and VET strategies.

*A positive social environment is actually more likely to exist in a prison that is doing something in terms of offender programs, education and so on. Of course, if that is happening, that reinforces the positive social environment. A prison can actually pull itself up by its own bootlaces if it is doing badly by starting to do good things in terms of the activity level and so on. There are still other issues of decency, safety, respect and so on, but there is no doubt that an active prison, where people are doing something useful, something enjoyable, not just hanging around kicking their heels waiting for the day to come to an end creates a positive social environment; that then, in turn, feeds back into the success of the programs.<sup>91</sup>*

Despite the evident value of such strategies, support for treatment and rehabilitation of prisoners has enjoyed an erratic history. With ideas of trying to treat and rehabilitate prisoners going out of fashion for some years, a greater emphasis was placed on punishment and retribution. By contrast, in recent years there has been an increasing level of interest in rehabilitation following research indicating that such initiatives do work.

There is now “a perception that prisons that are devoid of adequate treatment and rehabilitation facilities are inadequate, ineffective and unjust.”<sup>92</sup> In times of increasing overcrowding there is an

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<sup>90</sup> Galilee College, ‘New Approaches to Prison Management and Rehabilitation’, 2010. Available at: <http://www.galilcol.ac.il/page.asp?id=31>. Accessed on 22 January 2010.

<sup>91</sup> Professor Richard Harding, Consultant, *Transcript of Evidence*, 17 March 2010, p1.

<sup>92</sup> Iain Crow, ‘The treatment and rehabilitation of offenders’, 2001. Available at: [http://books.google.com.au/books?id=4-QfP\\_ujKv0C&dq=penal+policy+rehabilitation&printsec=frontcover&source=in&hl=en&ei=llRqS-PbNpOasgOoqqiaAw&sa=X&oi=book\\_result&ct=result&resnum=13&ved=0CC4Q6AEwDA#v=onepage&q=penal%20policy%20rehabilitation&f=false](http://books.google.com.au/books?id=4-QfP_ujKv0C&dq=penal+policy+rehabilitation&printsec=frontcover&source=in&hl=en&ei=llRqS-PbNpOasgOoqqiaAw&sa=X&oi=book_result&ct=result&resnum=13&ved=0CC4Q6AEwDA#v=onepage&q=penal%20policy%20rehabilitation&f=false). Accessed on 4 February 2010.

additional role that vocational education and training (VET) together with employment strategies play in the prisons, namely in assisting the control of prisoners.

*I think you cannot underestimate the importance of work and education as actually part of the mechanism whereby you control a prison because it is very important for people to have things to do during the day, particularly when the number of people in prison is expanding—there are increased levels of double-bunking so people are sharing cells that were originally designed for one—then you need outlets and that includes work, education, recreation and so on.*<sup>93</sup>

The opportunities that VET and employment strategies present are not solely about keeping prisoners occupied but rather about meeting the long term objectives of reducing reoffending. Education improves the individual's prospects for meaningful work, and education, combined with work skills, improve the person's prospects on release.

Targeted rehabilitation programs and services seek to address factors associated with crime, such as antisocial thinking, drug abuse, poor work skills, and limited education. This means helping prisoners to better cope with life through a multi dimensional and increasingly integrated approach. This includes an armoury of programs addressing behaviour together with VET and employment initiatives aimed at improving education and job skills.

### 3.1 The cost of crime

Crime is a financial burden on our society as a whole. In broad terms, crime is estimated to represents loss to gross domestic product (GDP) of 2.5%.<sup>94</sup> Robust estimates are lacking because “the empirical basis of costs is weak in many cases. One difficulty is simply knowing the actual number of crimes to cost.”<sup>95</sup>

In 2003 the Australian Institute of Crime made assessments on a range of crimes<sup>96</sup>, for example:

- Homicide: The medical costs per homicide were estimated at \$7,600 per incident. The loss of output was estimated at c \$1.2 million per homicide;
- Assaults: The medical cost of an assault with injury is \$1,000. Lost output costs for an injury assault were estimated at \$3,400;
- Sexual assaults: Sexual assaults with injury incur costs that are similar to assaults with injury but with lost output costs being higher at \$4,500;
- Burglary: The cost of burglary per incident is estimated at \$2,000 for residential burglary and \$4,500 per incident for non-residential burglary;
- Car theft: The best estimate of motor vehicle theft is \$6,000 per incident; and
- Shop theft: The average loss per incident is \$110.

<sup>93</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p2.

<sup>94</sup> Australian Institute of Criminology, *Trends and issues in crime and criminal justice* No 147, 2000.

<sup>95</sup> Australian Institute of Criminology, *Trends and issues in crime and criminal justice* No 247, 2003.

<sup>96</sup> Australian Institute of Criminology, *Trends and issues in crime and criminal justice* No 247, 2003.

There are also high costs associated with crime that have not been individuated by case for areas such as drug offences, fraud and arson.

In addition to the cost of the community there is the cost of the criminal justice systems. This includes those duties of the police relating to crime prevention (a large part of their duties), the courts and corrective services. In 2008-9 the latter two areas alone totalled approximately \$846 million rising to c. \$940 million in 2009/10.

Any reduction in criminal activity will result in significant financial benefits to the community.

### **3.2 Why rehabilitation? Because it works!**

In the past two years there has been a dramatic increase in the prison population in Western Australia. In parallel there are increasing numbers of prisoners being released into society. Even as it is recognised that community attitudes are becoming more punitive there remains an expectation that corrective services should be about rehabilitation as well as punishment. In part this is because the financial and social costs to the community of reoffending are significant.

As a consequence, prison programming has become a focus of correctional facilities and departments around the country with an aim of reducing re-offending. However on a per capita basis funding has not increased at a matching level.

In developing rehabilitative strategies the underlying causes for recidivism need to be addressed. There are nine such evidenced underlying causes for re-offending which have been identified by the Social Exclusion Unit of the Office of the Deputy Prime Minister in the United Kingdom. These are:

- education;
- employment;
- drug and alcohol misuse;
- mental and physical health;
- attitudes and self-control;
- institutionalisation and life-skills;
- housing;
- financial support and debt; and
- family networks.<sup>97</sup>

The same report states, “The evidence shows that these factors can have a huge impact on the likelihood of a prisoner re-offending. For example, being in employment reduces the risk of re-offending by between a third and a half; having stable accommodation reduces the risk by a fifth.”

The concept of rehabilitation has traditionally focussed on reforming the characteristics of offenders that predisposed them to break the law in the first place. This is a key feature of the Western Australian criminal justice system. The work to rehabilitate prisoners goes on, in varying

<sup>97</sup> Social Exclusion Unit, Reducing re-offending by ex-prisoners, report prepared by, Office of the Deputy Prime Minister, Social Exclusion Unit, London, 2002, p8.

degrees, in every prison in Western Australia. Rehabilitation strategies will vary according to the nature of the offender, the type of offence committed, and the institution in question. The strategies range from vocational educational and employment initiatives that help the offender learn a skill for use outside the prison, to psychological consultancy and assistance, which aims to assist with various problems the individual offender may experience.

### 3.3 Legislative framework in WA

While the Western Australian legislative framework for custodial services and the administration of sentences makes clear that public safety is a paramount consideration, correctional administrators have long recognised the importance of offender rehabilitation. The *Prisons Act 1981* which enshrines the principle of rehabilitation in legislation was amended in line with recommendations made by the 2005 Mahoney Inquiry into the Management of Offenders in Custody. The Leader of the House in the Legislative Council, in his second reading speech on the Bill amending the Act, stated, *inter alia*, that the amendment:

*...strengthens part IX [of the Act] by including a focus on rehabilitation as well as prisoner wellbeing. This reflects a contemporary approach to offender management and is consistent with Justice Mahoney's focus on providing programs for prisoners that will reduce the likelihood of re-offending and promote their reintegration back into the community. The bill enables the chief executive officer to provide a broad range of services and programs, both inside and outside a prison, that will assist prisoners acquire knowledge and skills that will help them adopt law-abiding lifestyles on release; assist prisoners to integrate within the community on release;*<sup>98</sup>

As amended, Part IX of the *Prisons Act 1981* reads as follows:

#### ***Part IX s95. Preparation and implementation of activity programmes***

*(1) Without limiting the responsibility of the chief executive officer for the welfare of prisoners conferred by section 7(1), the chief executive officer may arrange for the provision of services and programmes for the wellbeing and rehabilitation of prisoners.*

*(2) In particular, services and programmes may be designed and instituted with the intention of—*

*(a) promoting the health and wellbeing of prisoners; and*

*(b) enabling prisoners to acquire knowledge and skills that will assist them to adopt law abiding lifestyles on release; and*

*(c) assisting prisoners to integrate within the community on release; and*

<sup>98</sup>

Hon Kim Chance, Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates* (Hansard), 29 June 2006, p4551.



*(d) maintaining and strengthening supportive family, community and cultural relationships for prisoners; and*

*(e) providing counselling services and other assistance to prisoners and their families in relation to personal and social matters and problems; and*

*(f) providing opportunities for prisoners to utilise their time in prison in a constructive and beneficial manner by means of educational and occupational training programmes and other means of self improvement; and*

*(g) providing opportunities for work, leisure activities, and recreation; and*

*(h) assisting prisoners to make reparation for the offences they have committed.<sup>99</sup>*

The *Prisons Act 1981* makes it clear that participation in services and programs as listed above are voluntary, but that a medically fit prisoner can be made to work.

In addition all such services should be tailored to the needs of the recipient community, as follows:

*The chief executive officer is to ensure that, in the provision of services and programmes under this section, the needs of female prisoners and prisoners who are Aboriginal people or Torres Strait Islanders are addressed.<sup>100</sup>*

The Act allows for the provision of rehabilitation initiatives both inside and outside prison facilities, with permission for prisoners to be confined outside a prison where necessary.

In the case of *Dangerous Sexual Offenders Act 2006* (s7), an offender's successful participation in rehabilitation programs is a factor in considering whether a person would commit a serious sexual offence and therefore continues to pose a serious danger to the community.<sup>101</sup>

Finally, the *Sentence Administration Act 2003*, Part 3, Div 6, (s) 30 provides that a parole order may contain 'requirements to facilitate the prisoner's rehabilitation'. However Part 2, Div 1, (s)5B stipulates that:

*The Board or any other person performing functions under this Act must regard the safety of the community as the paramount consideration.<sup>102</sup>*

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<sup>99</sup> *Prisons Act 1981 (WA).*

<sup>100</sup> *Prisons Act 1981 (WA).*

<sup>101</sup> *Dangerous Sexual Offenders Act 2006 (WA).*

<sup>102</sup> *Sentence Administration Act 2003 (WA).*

### 3.4 A summary of rehabilitation strategies

Evidence suggests that a package of interventions and support both within prison and after release is likely to be the most effective way in which to reduce the likelihood of re-offending. Any specific intervention needs to be viewed in the broader context of the need for the offender to normalise their lifestyle and equip themselves with the necessary skills to function successfully in society and as an employee. This is one reason for the wider reforms of offender management.

Applied in that broader framework, vocational education and training to improve offenders' literacy and work skills, when combined with the right employment interventions, can improve post-release employment levels and make a contribution to reducing re-offending.

*Raising language literacy, numeracy (LLN) can play a key role in rehabilitation and facilitate entry into the labour market<sup>103</sup>*

Interventions include participation in appropriate treatment programs. However, an offender's placement on a treatment program is dependent on a number of variables independent of the offender, including:

- the recommendation or outcome of the Treatment Assessment screening (prison);
- the supervision level of the offender (community);
- pre-group/program interview and assessment processes; and
- availability of a place on the recommended program.

Although the assessment criteria for accessing programs vary to some degree between different program areas (sex offending, violent offending, addictions offending, etc.) all take into account the offender's:

- risk of reoffending;
- criminogenic needs; and
- motivation to undertake a program.

Secondary matters taken into account in allocating offenders to programs are the offender's:

- mental health;
- intellectual capacity;
- literacy; and
- ethnic background.

Community based programs also take into account the offender's work status and issues related to childcare.<sup>104</sup>

<sup>103</sup> National Research and Development Centre for Adult Literacy, 'Working with Young offenders', 2006. Available at: [http://docs.google.com/viewer?a=v&q=cache:MVLwGSfOt0gJ:offender-learning.qia.oxi.net/files/SfL%2520QI%2520with%2520offenders.pdf+Hurry,+J.+et+al.+\(2006\).+Improving+the+Literacy+and+Numeracy&hl=en&gl=au&pid=bl&srcid=ADGEEShENvHZ7tRa18P\\_en2101jxDgumLsWT6C4ycbp-uAnWENmRSH10juwQFvL2r1trYXiU\\_h1aXaS0sB-sJnmq8LjFoLEBboaE4FnQO8PgR8Bm4q6Kfuvvy5TOpFNULEODYKH3lhua&sig=AHIEtbTJnXkZzjiSK6wT0VHXur7ekDmADg](http://docs.google.com/viewer?a=v&q=cache:MVLwGSfOt0gJ:offender-learning.qia.oxi.net/files/SfL%2520QI%2520with%2520offenders.pdf+Hurry,+J.+et+al.+(2006).+Improving+the+Literacy+and+Numeracy&hl=en&gl=au&pid=bl&srcid=ADGEEShENvHZ7tRa18P_en2101jxDgumLsWT6C4ycbp-uAnWENmRSH10juwQFvL2r1trYXiU_h1aXaS0sB-sJnmq8LjFoLEBboaE4FnQO8PgR8Bm4q6Kfuvvy5TOpFNULEODYKH3lhua&sig=AHIEtbTJnXkZzjiSK6wT0VHXur7ekDmADg). Accessed on 22 March 2010.

There are three primary categories of programs in Western Australia. These comprise:

- employment strategies;
- vocational education and training; and
- behavioural programs.

The first of these categories forms the focus of this report, while the second and third will be reviewed in the final report.

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<sup>104</sup> Supplementary evidence provided at the Hearing 23 September 2009 ‘Offender Services Directorate input to Community Development and Justice Standing Committee’.



## CHAPTER 4 SOCIO-ECONOMIC BACKGROUND AND INDUCTION OF PRISONERS

The educational and economic characteristics of the prison population in Australia and other industrialised nations are largely the same, with prisoners being some of the least empowered and most disadvantaged members of our society. Numerous studies have found that there is a strong link between low literacy levels and the employment history of individuals, and the incidence of criminal offending. Offenders disproportionately come from disadvantaged situations and backgrounds with many offenders being unemployed prior to incarceration. One study made the following observation: “The overall picture emerges of an undereducated class with lower literacy skills to handle everyday tasks compared to the rest of the community.”<sup>105</sup>

### 4.1 WA prisoners educational profile

Adult prisoners and offenders typically have poor literacy skills and/or education. Many, having had negative experiences in the mainstream schooling system, fail to complete secondary education.<sup>106</sup> Prisoners as a group suffer a range of language, literacy and numeracy deficits when compared to the broader community.<sup>107</sup> For instance Australian statistics indicate that approximately 62% of prisoners have deficits in their literacy levels to the point of being classified as less than functional.<sup>108</sup>

It was estimated by DCS that in WA some 70% of prisoners have literacy issues to some extent.<sup>109</sup> The Vocational and Educational Training Unit in DCS characterise their typical students as:

*...students with lower levels of educational attainment and includes people with disabilities, Indigenous people from cities, rural and remote communities, people from non-English speaking backgrounds, youth at risk, people from low socioeconomic backgrounds....The challenge is increased by the fact that many of the student group have multiple disadvantages...Many often have aspects to their personal backgrounds which compound the barriers to learning and skills development further.*<sup>110</sup>

A 2004 report on a study of education and training in Western Australian prisons revealed that the highest education level of two-thirds of prisoners interviewed for that project was year 10 or below. Of the group interviewed many had post-school qualifications in VET (33.6%) or other

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<sup>105</sup> Gaes, Gerald G, The Impact of Prison Education Programs on Post-Release Outcomes, Reentry Roundtable on Education, March 31 and April 1 2008, p3.

<sup>106</sup> Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007, p124.

<sup>107</sup> Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007 p178.

<sup>108</sup> Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007 p179.

<sup>109</sup> Mrs Christine Laird, Managing Director, Department of Corrective Services, *Transcript of Evidence*, 19 February 2010, p13.

<sup>110</sup> Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007, p132.

courses (55.8%). Of those with VET qualifications about one-quarter had completed their course during current or previous prison terms. About 70% of those with other educational qualifications had completed these during their current or previous prison term.<sup>111</sup>

However DCS advised that many claiming to have attended year 10 nonetheless had only achieved a primary school level of literacy.<sup>112</sup>

An earlier Western Australian in 2001 study found that of the 140 female prisoners profiled, 60% had completed year 10.<sup>113</sup> When broken into Aboriginal and non-Aboriginal prisoners the rates were 42% and 72% respectively.<sup>114</sup> To date there has been no significant change with an education snapshot of Bandyup Women's Prison taken in 2010 indicating that 38% of prisoners there have not completed year 10.<sup>115</sup> It is significant that, despite in excess of 60% of prisoners having "completed" year 10, 62% of the prisoner population are less than functionally literate.

## 4.2 Prisoners employment background

*Many offenders enter correctional facilities with few social skills and a lack of work-readiness. Many have never worked and don't know how to present themselves for employment or fill out a job application.*<sup>116</sup>

Notwithstanding the above comment, one Western Australian study examining previous employment and work experience of prisoners found that almost four-fifths of interviewed prisoners were in employment in the five years prior to their incarceration. However the sample was acknowledged as being of slightly better educated prisoners. Most of those at some time worked as manual labourers (40.5%) or service industries (19.8%) and 12% were self-employed or had their own businesses and a small group were managers or supervisors (3.6%). In particular the study also found that 80% of interviewed prisoners who were in employment in the previous five years had periods of unemployment immediately before their incarceration.<sup>117 118</sup>

<sup>111</sup> Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007, p72.

<sup>112</sup> Ms Christine Laird, Managing Director, Education and Vocational Training, Department of Corrective Services, *Transcript of Evidence*, 19 May 2010, p9.

<sup>113</sup> Australian National Training Authority, *To train or not to train*, NCVER, South Australia, 2004, p13.

<sup>114</sup> Australian National Training Authority, *To train or not to train*, NCVER, South Australia, 2004, p13.

<sup>115</sup> Briefing at Bandyup Women's Prison on 27 April 2010.

<sup>116</sup> NSW Corrective Services Industries, *Comparing Myth and Reality*, available at [www.csi.nsw.gov.au](http://www.csi.nsw.gov.au).

<sup>117</sup> Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007, p71.

<sup>118</sup> The authors note that the project sample does not reflect the profile of the whole of the Western Australian prisoner population. Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007, p69.

Although the above research involved both male and female prisoners, a study done in relation to women only found that 71% of female prisoners were not employed prior to incarceration and that only one-quarter had any work experience.<sup>119</sup>

### 4.3 Aboriginal issues

Aboriginal Australians comprise only 2.5% of the Australian population and in WA 3.8% of the population.<sup>120</sup> Aboriginal offenders are significantly overrepresented in the correctional system in all states and territories, and represented one quarter of the prison population across Australia as at June 2009.<sup>121</sup> In Western Australia however, the number of Aboriginal offenders in the prison system is approximately forty one per cent of the prison population and is second only to the Northern Territory in this regard.<sup>122</sup> The following chart illustrates the imbalance:

**Table 4.1**

**Incarceration rates per 100,000 Population**

Country/state	Year of statistic	Incarceration rate per 100,000 of the population	Nation/state's population	Number of prisoners
Western Australia	2010	Adult 215	2,259,500 <sup>123</sup>	Adults: 4,876 Juveniles: 179 Total: 5,055 <sup>124</sup>
Western Australia Aboriginal	2010	Adult 2483	77,900 <sup>125</sup>	Adult 1,935 Juveniles 127
Australia	2009	175 <sup>126</sup>		
Australia Aboriginal	2009	1,720 <sup>127</sup>		

<sup>119</sup> Australian National Training Authority, *To train or not to train*, NCVER, South Australia, 2004, p13.

<sup>120</sup> Estimated resident population(a), Indigenous Status - 2001 and preliminary 2006. <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4705.0Main+Features12006?OpenDocument>. Accessed 17 May 2010.

<sup>121</sup> ABS 4517.0, Prisoners in Australia, 2009, found at <http://www.abs.gov.au/ausstats/abs@.nsf/Products/883661CDFE8BCB97CA257687001CDC88?opendocument>.

<sup>122</sup> Report on Government Services 2009, Corrective Services, 8.19 Table 8A.1 available at: <http://www.pc.gov.au/gsp/reports/rogs/2009>.

<sup>123</sup> Australian Bureau of Statistics, 3101.0 - Australian Demographic Statistics, Sept. 2009.

<sup>124</sup> Department of Corrective Services Weekly Offender Statistics 25 March 2010.

<sup>125</sup> Australian Bureau of Statistics, 4705.0 - Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006.

<sup>126</sup> Australian Bureau of Statistics, 4517.0 - Prisoners in Australia, 2009.

<sup>127</sup> Report on Government Services 2009, Corrective Services, 8.19 available at: <http://www.pc.gov.au/gsp/reports/rogs/2009>.

Aboriginal Offender Statistics provided by the Department of Corrective Services note that in Western Australia, an Aboriginal person is 20 times more likely to be in prison than a non-Aboriginal person and that Aboriginal prisoners have a much higher rate of return to prison. “As at January 2009, the overall rate of return to prison in WA was just under 60 per cent for Aboriginal prisoners as against 35 per cent for non-Aboriginal prisoners.”<sup>128</sup>

The high percentage of Aboriginal offenders is recognised to be associated with the multiple disadvantages faced by many Aboriginal Australians, including high levels of unemployment, non-English speaking background, lower levels of school educational attainment, high rates of substance misuse, and lack of access to services in rural and remote areas.<sup>129</sup> They are also more likely to have been victims of crimes themselves. Simply put, their life experience is not normative within the wider community.<sup>130</sup>

Numerous studies have found that employment is recognised as one of the most important factors behind offending and re-offending. The multiple social disadvantages faced by many Aboriginal offenders are compounded by the fact that they live in communities where unemployment is the norm and incarceration is seen as an inevitability. The Inspector of Custodial Services made the comment:

*...unfortunately, most Aboriginal people...simply regard imprisonment as a fact of life; it is not a deterrent. There is no particular shame for many people now in going there; it is just something that happens.*<sup>131</sup>

In a similar vein, DCS describe an occasion where children were overheard talking about the prison they would prefer to go to when they were adults.<sup>132</sup>

The 2002 National Aboriginal and Torres Strait Islander Social Survey found that the factors most likely to have led to imprisonment in the previous five years were:

- alcohol or illicit substance abuse;
- being unemployed or other welfare recipient;
- being a person or family member of the ‘stolen generations’;
- suffering financial stress; and
- living in a crowded household.<sup>133</sup>

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<sup>128</sup> Submission No. 15 from Department of Corrective Services, 9 March 2010, p38.

<sup>129</sup> Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007 p204.

<sup>130</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p14.

<sup>131</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p11.

<sup>132</sup> Submission No. 15 from Department of Corrective Services, 9 March, p39.



It is not so much that that social disadvantage is unique to Aboriginal prisoners but rather that such disadvantage is widespread and profound. It follows that in terms of education and training needs, this segment of the prisoner population face significant additional challenges to those of the non-Aboriginal prisoner population. Most have very low levels of literacy and numeracy because of intermittent experiences in the education system. In relation to Aboriginal women, DCS report that there is little or no school attendance past year nine.<sup>134</sup>

The Aboriginal Legal Service of Western Australia (ALSWA) makes the point that regional and remote areas suffer a lack of services to allow a proper consideration of sentencing options:

*Fitzroy Crossing....has one drug and alcohol counsellor for the whole town. There is no psychiatric or psychological diversion or rehabilitation program. There is no sex offence program. There is no victim offender mediation. There is very limited capacity for the department of corrections or juvenile justice to put adults or juveniles on work orders, particularly females. So what it all means is that when a magistrate sitting in these jurisdictions is sentencing a person and trying to craft a fair and just community-based order, they have got no practical options which they can incorporate in those orders. The unfortunate consequence on many occasions is that magistrates become frustrated and turn to the next option in the line, which is a term of either suspended or immediate imprisonment, and that just increases incarceration rates.*<sup>135</sup>

In terms of work and acquiring vocational skills, the disadvantages faced by Aboriginal Australians external to prison can be replicated within; where they are often found in the lower skilled and therefore lower remunerated positions within the prison system. The Office of the Inspector of Custodial Services (OICS) reports that in the predominately Aboriginal prisons of Broome, Roebourne and the Eastern Goldfields, Aboriginal prisoners with an existing skill base are chosen for the limited employment and VET opportunities, with the less skilled not gaining a position.<sup>136</sup>

A 2004 review of Aboriginal Services at Acacia Prison revealed that the only program designed specifically for Aboriginal prisons ran only infrequently.<sup>137</sup> Similarly, the lack of culturally sensitive offender treatment programs available also drew adverse comment from the Inspector of Custodial Services in his 2006 report.<sup>138</sup>

In response to the reports, Acacia Prison has introduced a range of initiatives in service delivery to Aboriginal prisoners; these include:

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<sup>133</sup> Submission No. 15 from Department of Corrective Services, 9 March, p39.

<sup>134</sup> Submission No. 15 from Department of Corrective Services, 9 March, p42.

<sup>135</sup> Submission No. 18 from Aboriginal Legal Service of Western Australia, April 2010, p7.

<sup>136</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p7.

<sup>137</sup> Review of Acacia Prison Aboriginal Services, Charlie Staples, May 2004, p10.

<sup>138</sup> Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Acacia Prison*, Report No. 32 March 2006, p63.

- the establishment of an Aboriginal council of Elders to allow Aboriginal prisoners to have input into culturally appropriate services;<sup>139</sup>
- increased Aboriginal prisoner involvement in the peer support programme;<sup>140</sup>
- Aboriginal health service initiatives by way of the appointment of an Aboriginal Health Worker;<sup>141</sup>
- programs specific to Aboriginal needs targeting substance dependency and abuse issues delivered in a culturally appropriate manner; and<sup>142</sup>
- the establishment of a traditional arts employment area.<sup>143</sup>

Similarly, the Department of Corrective Services has specifically addressed the program needs of Aboriginal prisoners by establishing the Aboriginal Program Facilitation Unit. The unit was established in 2008-09 to ensure the sustainable delivery of culturally appropriate interventions to Aboriginal prisoners. A number of Aboriginal specific courses are now available and include units within the adult basic education curriculum as well as VET and culturally appropriate program interventions.

#### 4.4 Induction

As detailed in Chapter two, the assessment and classification of prisoners lays the foundation for the expected pathway for each prisoner through the prison system. This process determines the initial security rating to be assigned to the offender. A prisoner's health needs are assessed and consideration given to any intellectual or physical disabilities.<sup>144</sup> An extensive education assessment is compiled which includes existing work skills, experiences and preferences.

The management and placement (MAP) of prisoners in Western Australia is undertaken in accordance with [DCS] Adult Custodial Rule 18, *Assessment and Sentence Management of Prisoners*. The assessment and classification process maps out the course for individual prisoners during their incarceration.

<sup>139</sup> Acacia Prison Services Agreement *Annual Report 2004/2005*, p26. [http://www.correctiveservices.wa.gov.au/\\_files/about-us/statistics-publications/acacia-annual-report-2004-2005.pdf](http://www.correctiveservices.wa.gov.au/_files/about-us/statistics-publications/acacia-annual-report-2004-2005.pdf).

<sup>140</sup> [http://www.serco-ap.com.au/justice/acacia\\_prison.html](http://www.serco-ap.com.au/justice/acacia_prison.html). Accessed on 18 May 2010.

<sup>141</sup> Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Acacia Prison*, Report No. 32 March 2006, p63.

<sup>142</sup> Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Acacia Prison*, Report No. 32 March 2006, p63.

<sup>143</sup> Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Acacia Prison*, Report No. 32 March 2006, p63.

<sup>144</sup> Department of Corrective Services Sentence Management Manual, p1.

### (a) The assessment and classification process

An accurate assessment of the prisoner's needs is important for both security reasons and for optimum rehabilitation prospects by way of program or education interventions. Effective placement and subsequent management of the prisoner provides the best custodial environment for both the prisoner and custodial officers. The assessment and classification program can provide a prisoner with their own individual rehabilitation program.

Literature states that robust offender management strategies have the best outcomes because:

- fewer offenders will be over - or under classified meaning those prisoners classified as minimum security will have access to a greater range of training opportunities and community safety is enhanced by those prisoners assessed as maximum security held in the most appropriate facility;
- there is greater consistency and transparency in decision-making;
- the more appropriately offenders will be placed within the system;
- the closer the alignment of services will be to the needs of offenders, producing better outcomes; and
- resources will be more efficiently allocated.<sup>145</sup>

#### (i) **Report into the Review of Assessment and Classification within the Department of Corrective Services**

Following the *Inquiry into the Management of Offenders in Custody and in the Community* (the Mahoney report), the government made a commitment to establish a system to better assess and classify offenders in custody.<sup>146</sup> A review of the assessment and classification processes undertaken by DCS was carried out in 2008 by the Office of the Inspector of Custodial Services. The three main findings presented were:<sup>147</sup>

*1. The Department's present security and assessment tools have a tendency to 'over-classify' offenders and thus have resulted in the need for secure accommodation beyond the profile of the offender population.*

*2. The allocation of offender based programs targeting specific criminogenic needs (i.e. those targeting sexual offending, violent offending, substance use-related offending and cognitive skills) is far below that required to meet demand.*

*3. The preparation of offenders for successful re-integration into the community on release is still underdeveloped, and in this regard there is insufficient coordination between prison and community based services.*

<sup>145</sup> Office of the Inspector of Custodial Services, *Report into the Review of Assessment and Classification within the Department of Corrective Services*, Office of the Inspector of Custodial Services, Perth, April 2008, p1.

<sup>146</sup> Dr G.I. Gallop, Premier, Western Australia, Legislative Assembly *Parliamentary Debates* (Hansard), 23 November 2005, p7628.

<sup>147</sup> Office of the Inspector of Custodial Services, *Report into the Review of Assessment and Classification within the Department of Corrective Services*, Office of the Inspector of Custodial Services, Perth, April 2008, piv.

In relation to these findings, the Committee is advised that the new assessment process adopted by DCS has resulted in a reduction in the number of prisoners classified as maximum security and an increase in both medium and minimum security.<sup>148</sup> A minimum security classification expands the training and employment opportunities available to offenders. The Driver Training Program, for example, can only be fully completed during a prisoner's incarceration if their particular security level is such that they can be released during the day for lessons. Similarly, some types of machinery, excavators and loaders for instance, are restricted in maximum and medium security prisons. This restricts the training opportunities those facilities can offer.

### **(b) Assessment and IMPs**

The process of assessment and classification has a direct impact on the prisoner as an individual as well as the correctional system as a whole, in matching resources to needs. The process is designed to guide the individual prisoner with the activities and programs on offer as well as to provide DCS with a planning tool for each prisoner. The final product of the prisoner assessment is the development of an Individual Management Plan (IMP).

An IMP is constructed for all prisoners serving effective sentences of six months or more and is generally constructed within 28 days of sentencing.<sup>149 150</sup> These plans are subject to review on a six or twelve month cycle, depending upon the length of the individual prisoner's sentence.<sup>151</sup>

Each corrective services jurisdiction in Australia has developed screening strategies to identify the educational needs of prisoners. In Western Australia education and training is integrated into the prisoner management regime and forms part of each prisoner's IMP. The education and training component of the IMP is conducted by qualified teachers.<sup>152</sup> The assessment ensures that decisions regarding service delivery are informed by the offender's knowledge, skills and abilities, needs, issues of risk, resources available and operational constraints.<sup>153</sup>

The assessment and recording of the offenders' perceptions of themselves, education and vocational histories, educational needs and aspirations, forms an integral component of the assessment. Education staff use the assessment process to establish a student profile that contributes to the prisoner's IMP.

The assessment aligns to the National Core Skills System and includes:

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<sup>148</sup> Diary note, meeting 15 April 2010 with senior staff, Department of Corrective Services, p3.

<sup>149</sup> Prisoners serving a lesser sentence may have an IMP established at the discretion of the Manager of Assessments or delegate. Custodial Rule 18 Assessment and Sentence Management of Prisoners 8.7.2, p10.

<sup>150</sup> Department of Corrective Services, Director General Rules, Adult Custodial Rule 18 Assessment and Sentence Management of Prisoners 8.7.1, p10.

<sup>151</sup> Department of Corrective Services, Director General Rules, Adult Custodial Rule 18 Assessment and Sentence Management of Prisoners 8.12.7, p14.

<sup>152</sup> Vocation Education and Training for Adult Prisoners and Offenders in Australia, NCVER 2007, p131.

<sup>153</sup> DCS Briefing Paper September 2009.

- general literacy;
- numeracy;
- oracy;
- written;
- disabilities;
- educational achievement;
- vocational skills;
- employment history; and
- career aspirations.<sup>154</sup>

The IMPs are:

- regularly reviewed;
- case managed by way of an interactive process between the inmate and respective case officer;
- dynamic; and
- individual.<sup>155</sup>

In practice some management plans are more comprehensive than others and the implementation of the IMP may be impacted by resources available at the time or at a particular prison. The regime at a particular prison may also impact on the extent to which the IMP is realised.

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<sup>154</sup> DCS Briefing Paper September 2009.

<sup>155</sup> Diary note, meeting 15 April 2010 with senior staff, Department of Corrective Services, p2.



## CHAPTER 5 THE EFFECT OF OVERCROWDING ON REHABILITATION

*Prison overcrowding has never been known to rehabilitate prisoners.*<sup>156</sup>

### 5.1 The issue of overcrowding

Overcrowding is measured by more than the ratio of prisoners to capacity. It also includes the extent to which a prison accommodates more prisoners than it has the adequate infrastructure to accommodate. In particular, this applies where prisons have increased their numbers accommodated without commensurate increases in facilities, programming, medical, and mental health resources (among other things). These systems are “overcrowded” even though, technically, they may not house greater numbers of prisoners than their rated capacities.

As Chapter two highlights, with the exception of Boronia there is no facility in this state that does not significantly exceed its design capacity.

*Some prisons though, or at least some parts of prisons, have been overcrowded for many years. Indeed, since 2004 overcrowding in Western Australia's prison has been on the increase, with all but one prison currently in excess of its design capacity.*<sup>157</sup>

This chapter looks at the impact of overcrowding on rehabilitation in the context of the Terms of Reference of the Inquiry.

Broadly speaking, overcrowding has three effects on the daily prison environment.

1. Proportionately there is less of everything to go around, so the same space and resources are made to stretch even further.
2. The opportunities for inmates to participate in self-improvement and rehabilitative programs, such as academic, employment and vocational training are curtailed.
3. Underemployment leads to inmate idleness, which tends to lead to discontent and disruptive behaviour.

Overcrowding is the most prevailing issue in the Western Australian prison system. The position is further exacerbated with prisoners finding themselves in many cases incarcerated in medium security prisons when they are classified as minimum security. This effectively denies the prisoner the employment and training opportunities that would otherwise be available to them.

*The broad issue that we think is facing the prison system...is the question of overcrowding. We think that is the context within which a lot of this really needs to be said. The current*

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<sup>156</sup> Submission No. 6 from Nathalie Hayman, March 2010, p1.

<sup>157</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p4.

*situation with the Western Australian prison system is that it is under very severe pressure in managing the growing prison population. The population has shown significant growth over the past 10 years, growing from 3 100 in 2000 to 2 900 by January 2009, an increase of around 900. The growth has dramatically accelerated from that point, increasing to 4 886 by April this year. The dramatic increase has resulted in the system operating dramatically beyond its capacity and the capacity for which it was designed....*<sup>158</sup>

And:

*We have welcomed the new facilities but simply they are not enough to resolve what is a clear problem today. We believe that you should get rid of overcrowding, not institutionalise it. International best practice would suggest that operational efficiency and maximising security within a prison system requires that you function around 10 per cent below design capacity, not at around 100 per cent above it, as is the case in some of our prisons today. We cannot accept that overcrowding should be a feature of the prison system.*<sup>159</sup>

As a consequence of the ‘get tough’ policies of the 1990s Australia’s prison populations have seen significant growth in recent years. Between 1995 and 2005 Australia’s prison population increased by 45.5%.<sup>160</sup> The trend for Western Australia has significantly accelerated since that date.

*Overcrowding is, partly, simply a function of how many prison beds you have. We are to some extent inheriting a problem which was a lack of expansion of capacity for a number of years at a time when the prison population was rising. That was prior to the new government coming in. Subsequent to the new government coming in, the impact of parole changes has been quite dramatic. A massive decline in the number of people on parole at any given time means a massive increase in the number of prisoners.*<sup>161</sup>

This is illustrated in the following graph which reflects the growth in prison numbers in Western Australia.

<sup>158</sup> Mr John Welch, Secretary, Western Australian Prison Officers Union, Transcript of Evidence, 21 April 2010, p1.

<sup>159</sup> Mr John Welch, Secretary, Western Australian Prison Officers Union, *Transcript of Evidence*, 21 April 2010, p1.

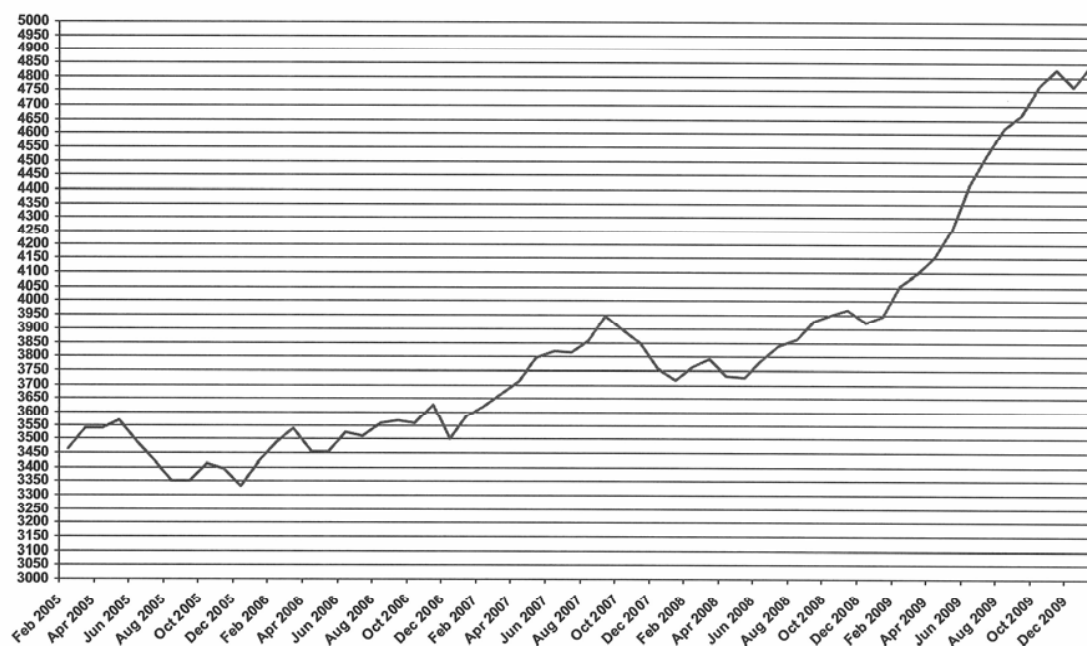
<sup>160</sup> Queensland Department of Corrective Services, ‘Prisoner Rehabilitation-The Role of the Custodial Institution’, 2006. Available at: [http://www.correctiveservices.qld.gov.au/Publications/Corporate\\_Publications/Miscellaneous\\_Documents/PrisonerRehabilitation.pdf](http://www.correctiveservices.qld.gov.au/Publications/Corporate_Publications/Miscellaneous_Documents/PrisonerRehabilitation.pdf). Accessed on 23 February 2010.

<sup>161</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p5.



**Thursday Census of State Prisoner Count**

Count includes prisoners in hospital and trustees in Lock Up - Rolling 5 year history period.



## 5.2 The impact of overcrowding on rehabilitation

*Several studies have suggested that overcrowding is associated with increased recidivism. For example, at the start of the 1980s, David Farrington and his colleagues found a strong relationship between overcrowding and prison ineffectiveness in England—prisoners released from overcrowded prisons were more likely to be recommitted for subsequent criminal infractions.<sup>162</sup>*

Even with strong policy direction and a committed staff, the practicalities on the ground can create significant problems in successfully translating policy into practice. In Western Australia's Department of Corrective Services one of those practicalities is the reality of the rapidly rising prison population and its concomitant, overcrowding. Overcrowding has an impact beyond the need for double bunking even as this creates its own problems. Overcrowding has a knock on effect on infrastructure, accessibility to programs and the resources available for rehabilitation on a per capita basis.

<sup>162</sup>

Commission on Safety and Abuse in Americas Prisons, 'Testimony of Professor Craig Haney', Available at: [http://www.prisoncommission.org/statements/haney\\_craig.pdf](http://www.prisoncommission.org/statements/haney_craig.pdf). Accessed on 29 April 2010.

*When the volume of the prison exceeds the design capacity, it has a whole range of implications on services. Accommodation is just one aspect. In terms of the programs and service deliveries—things like visits, maintaining a structured day for the prisoners in terms of their recreational time, employment opportunities, education and programs—they all come under pressure. It also puts pressure on the facilities itself; the actual infrastructure. That has an implication for maintenance. It is right across the board. It is beyond just accommodation<sup>163</sup>*

The challenge of delivering effective prison rehabilitation regimes is bound to be greater in overcrowded prisons. When the effects of overcrowding are taken together they contribute synergistically to a diminution in the overall effectiveness and efficiency of rehabilitative strategies in place.

#### **(a) Individual case management plans (ICMP)**

ICMPs seek to achieve an integrated offender and prisoner management approach, and to ensure that culturally diverse and special needs prisoners have access to appropriate programs and services.

In reality, treatment programs identified when doing the ICMP assessment are often not available sometimes for years. Demand outstrips supply. For instance, in the case of the intensive violence program, there were 208 prisoners booked to participate in the course in March 2010 and there are a further 250 prisoners waiting for an opening in the program of which there are none available before 2012. While there have been increased funds allocated to such programs, the rate of increase does not match the increased demand:

*Treatment programs are often not available sometimes for years. Demand outstrips supply. For instance in the case of intensive violence, there are 208 booked on the course, and 250 who are waiting for an opening in 2012. The 250 are listed in our statistics as "Course Unavailable" - that is there is no vacancy for an intensive violence course prior to 2012. Therefore if any of these prisoners are to be released or considered for release (by the PRB etc) prior to the latter part of 2012 they will not have the opportunity to participate in this particular treatment program (which is of about 7/8 months duration). In relation the funding, the funding rate was never sufficient to meet the assessed demand. The gap between program supply and program demand in intensive violence continues to increase.<sup>164</sup>*

One of the major features of case management plans is that they are grounded in a series of rewards and sanctions based on behaviour and participation. These behaviours are taken into account when reviewing the prisoner's classification. However, with the system gridlocked as a result of overcrowding, the ability to physically move prisoners to the security classification that they may have earned is effectively stymied removing an incentive to participate.

<sup>163</sup> Mr Ian Alfred Giles, Deputy Commissioner Adult Custodial Division, Department of Corrective Services, *Transcript of Evidence*, 19 January 2010, p1.

<sup>164</sup> Brian Ellis, Director Sentence Management, Offender Management & Professional Development, Department of Corrective Services, email 4 May 2010, with permission.

If, on assessment, a prisoner scores less than 6 they are eligible for minimum security imprisonment subject to the previously mentioned professional over-ride. Medium security is granted for a score of 7-13 and > 13 is maximum security. In terms of case management this means that prisoners have the capacity, in theory, to move through the system as they complete programs etc. The inability to do so because of gridlock has given rise to a number of complaints from both prisoners and their families. Therefore the basis of the 'contract' with the prisoner that, should they comply with the system they will be treated accordingly, has been reneged on through overcrowding. Consequentially the prisoner now has no incentive.

### **(b) Accessibility**

In addition to the difficulties experienced when designing individual case management plans the significant overcrowding in prisons across the state has led to a more general issue of accessibility to employment and education strategies.

Firstly it leads to inability to access services and programs:

*Current large (4,879 at 18 February 2010) and growing musters (annual growth rate currently 19.3% a year) lead to prison overcrowding with accommodation needs being the necessary focus rather than work opportunities which are lagging behind accommodation. Indeed the Department of Corrective Services 2008/09 Annual Report states the growing muster has led to "an impaired ability to deliver programs and services to support re-entry to the community, resulting in increased time in prison and consequently increased pressure on capacity."*<sup>165</sup>

Or even a lack of employment opportunities:

*There are waiting lists of people seeking employment and they are prioritised according to how long they have been on the list.*<sup>166</sup>

Secondly, because the minimum security facilities already have numbers well in excess of their operational capacity,<sup>167</sup> there are many prisoners held in medium security prisons who, although categorised as minimum security, cannot access minimum security facilities and the associated training strategies. These include such activities as gaining a drivers licence (a not insignificant factor in imprisonment rates) or getting a fork lift drivers ticket etc.

*One problem that exists through overcrowding is that prisoners cannot always be given the facility with a security rating that meets their classification.*<sup>168</sup>

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<sup>165</sup> Submission No. 12 from Outcare Inc., March 2010, p9.

<sup>166</sup> Briefing at Bandyup Women's Prison on 27 April 2010.

<sup>167</sup> As outlined in Chapter two.

<sup>168</sup> Briefing at Casuarina Prison on 3 March 2010.

And:

*I think from a big picture point of view the system is to some extent gridlocked at the moment because if people are not getting out on parole, there is a knock-on effect right down the system. We have got quite a significant number of people, for instance, at Casuarina prison, which is maximum security; at Acacia, which is medium security; and at Hakea, which is maximum. There is quite a significant number of prisoners there who are actually classified minimum security but they cannot move through the system up to a minimum security placement because the people from minimum are not getting out on parole as they might have done.*<sup>169</sup>

Finally, due to constrained resources as a result of overcrowding, accessibility is time restricted:

*The impact of overcrowding further reduces the availability of opportunities in prisons so that where opportunities exist they are not for sufficient periods of time.*<sup>170</sup>

If this is the case in the metropolitan region what, asked one agency, is the situation in the regional areas of the state where the infrastructure is older and resources constrained?

*The unavailability of such programs in Perth metropolitan prisons, begs the question as to whether such programs are available for prisoners in regional areas. These programs are necessary to address and manage offending behaviour to prevent reoffending.*<sup>171</sup>

## **Finding 2**

The prison system is 'gridlocked' at some points due to the high prison muster. As a consequence accessibility to education, training and employment are becoming increasingly constrained as prisoners are held in higher security facilities than their classification warrants.

### **(c) Monetary impact**

The management of offenders in custody is a direct cost to the state. It follows that the more prisoners incarcerated the greater the cost. Typically some services to prisoners are inevitably withdrawn or significantly reduced as a cost saving measure. In common with all Western Australian agencies at this time DCS is under pressure to reduce costs and this remains the case even as prisoner numbers soar. One of those costs is overtime.

Overtime worked is a significant financial impost that is causing concern to DCS as the following indicates:

<sup>169</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p10.

<sup>170</sup> Submission No. 18 from Aboriginal Legal Services of Western Australia, April 2010, p5.

<sup>171</sup> Submission No. 18 from Aboriginal Legal Services of Western Australia, April 2010, p6.

*As we are all aware the volume of prison officer overtime being worked throughout the State is excessive and presents real and growing concerns for the wellbeing of staff and operating budgets.<sup>172</sup>*

The resultant financial and service tension between ‘cost pull’ and ‘service push’ is encapsulated in the following comment by the Inspector of Custodial Services

*Most prisons survive at the moment on the basis of overtime by staff. There is a big push to reduce overtime costs, which is absolutely understandable, but one of the consequences of that is likely to be that services like education and workshops are going to start closing down, because there are core custodial functions that cannot drop off, so it is going to be the sort of extras—we do not regard them as extras; we regard them as absolutely integral to the regime, but they are the things that are likely to fall by the wayside.<sup>173</sup>*

### **Finding 3**

The operating budget of the Department of Corrective Services (DCS) is significantly impacted by the cost of overtime. In seeking to address this issue and reduce overtime costs, while still retaining core custodial functions, VET and employment services are vulnerable to cutbacks.

Apart from the direct operational costs, the financial cost of overcrowding in terms of rehabilitation is experienced in less immediately obvious ways:

1. Firstly by the prisoner. All prisoners are paid a gratuity. The level of the gratuity as determined by Prison Regulations 1982 (WA) Reg 44 and 45. All prisoners have to undertake meaningful activities to be paid a gratuity. Most are on Level 3 (\$35.49 pw) some on Level 2 (\$45.22 pw) and a few on Level 1 (\$59.08). Each level is partially skill based and partially activity based. However even if a prisoner qualifies for a higher level, unless there is money in the budget, they will simply have to wait their turn until a vacancy occurs and they can step up to the higher level.<sup>174</sup>
2. The second financial cost to DCS is the payment of prisoners for non productive labour. The Office of the Inspector of Custodial Services explained the financial inefficiencies as follows:

*When multiple prisoners are doing the work of one prisoner, no more work is being done but the cost is multiplied. This is inefficient and counter productive for both prisoner and the community. To exemplify this point, this Office reviewed the*

<sup>172</sup> Deputy Commission Adult Custodial Division, Department Of Corrective Services, Memorandum, 28 January 2010.

<sup>173</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p5.

<sup>174</sup> Briefing at Bandyup Women’s Prison 27 April 2010.

*employment across Casuarina, Hakea and Greenough prisons. Together these three prisons employed nearly 500 unit workers and cleaners. Unit work is typically menial and is notorious for requiring little effort from prisoners. Unit workers and cleaners accounted for almost 30% of all prisoners in these prisons and received around one million dollars in gratuities per year. Some units had nearly 30 prisoners assigned to cleaning and unit based work and over half of Greenough's workforce was employed in these tasks. With such high numbers doing minimal work, the reported average hours worked per day in these prisons (and by extension, all prisons) appear highly inflated. Under employment enables the Department to present employment rates of around 80% of eligible prisoners, where in reality there are probably only jobs for 50% of eligible prisoners, or 40% of the total prisoner population. In addition, a quick estimate by this Office calculated that between them, these three prisons spend in excess of three times what would reasonably be expected to cost for prisoners to work in units and clean the prison. With the whole prison system providing in excess of two million dollars to underemployed unit workers and cleaners each year.<sup>175</sup>*

3. In relation to education the Committee was surprised to learn of instances where prisoners had been undertaking units in a certificated course without charge at one prison for which they were charged on transfer to another prison. This again was related to funding not being maintained on a pro rata basis that matched the increase in prisoner numbers.

*Some courses will attract fees. DCS receives so many curriculum hours p.a. that are paid for by Commonwealth DET or from DTF after that prisoners have to pay for them. As curriculum hours are divided up between prisons a prisoner can find that at one prison they do not pay and for the same course they will at another prison.<sup>176</sup>*

#### **(d) Human resources**

Linked to the monetary impact of overcrowding is the deteriorating ratio of staff to prisoners. This further precludes access to some programs:

*There has been a significant lack of programs across the Department, with Albany being no exception. This situation was exacerbated by long-term staff vacancies and resulted in long waiting lists for offender treatment programs.<sup>177</sup>*

As noted earlier, the overtime issue is of major concern to DCS as it endeavours to control its budget. When taken in conjunction with staff shortages, this has a direct impact on the delivery of education, training and employment:

*One of the big picture issues that I think the committee needs to, with respect, think about is again the impact of overcrowding and staff shortages. Most prisons survive at the moment on the basis of overtime by staff. There is a big push to reduce overtime costs,*

<sup>175</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p6.

<sup>176</sup> Briefing at Bandyup Women's Prison 27 April 2010.

<sup>177</sup> Office of the Inspector of Custodial Services, *Report No 60*, Office of the Inspector of Custodial Services, Perth, April 2009, pvi.

*which is absolutely understandable, but one of the consequences of that is likely to be that services like education and workshops are going to start closing down, because there are core custodial functions that cannot drop off, so it is going to be the sort of extras—we do not regard them as extras; we regard them as absolutely integral to the regime, but they are the things that are likely to fall by the wayside.*<sup>178</sup>

And:

*To get a custodial officer—somebody trained in security—present in the workshop has tended to mean deploying that person out of a unit and up to the workshop. When for some reason there is a drop off in the number of staff present on a particular day for sickness or whatever, unfortunately it means that sometimes you cannot deploy the custodial officer into the workshops and they sometimes have to close.*<sup>179</sup>

The underlying issue for the DCS is that of safety:

*The problem for us is that with the shortfall in staffing, and the overcrowding, it is very difficult to provide the safety and security to allow those programs and education to take place.*<sup>180</sup>

#### **Finding 4**

Linked to the monetary impact of high muster levels is the deteriorating ratio of staff to prisoners. This further precludes access to some programs as a custodial officer needs to be present for the delivery of initiatives such as VET and employment. In their absence these cannot be provided.

Moreover the availability of VET and employment has remained virtually static while prison numbers have grown creating a further rationing of education and employment.

#### **(e) Education and employment**

A recent review of offender education and employment levels by the Department of Corrective Services show the larger prisons of Acacia Prison, Casuarina Prison and Hakea Prison as having unemployment at 21%, 26%, and 44% respectively. The following charts indicate that 43% of

<sup>178</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p3.

<sup>179</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p3.

<sup>180</sup> Mr John Welch, Secretary, Western Australian Prison Officers Union, *Transcript of Evidence*, 21 April 2010, p3.

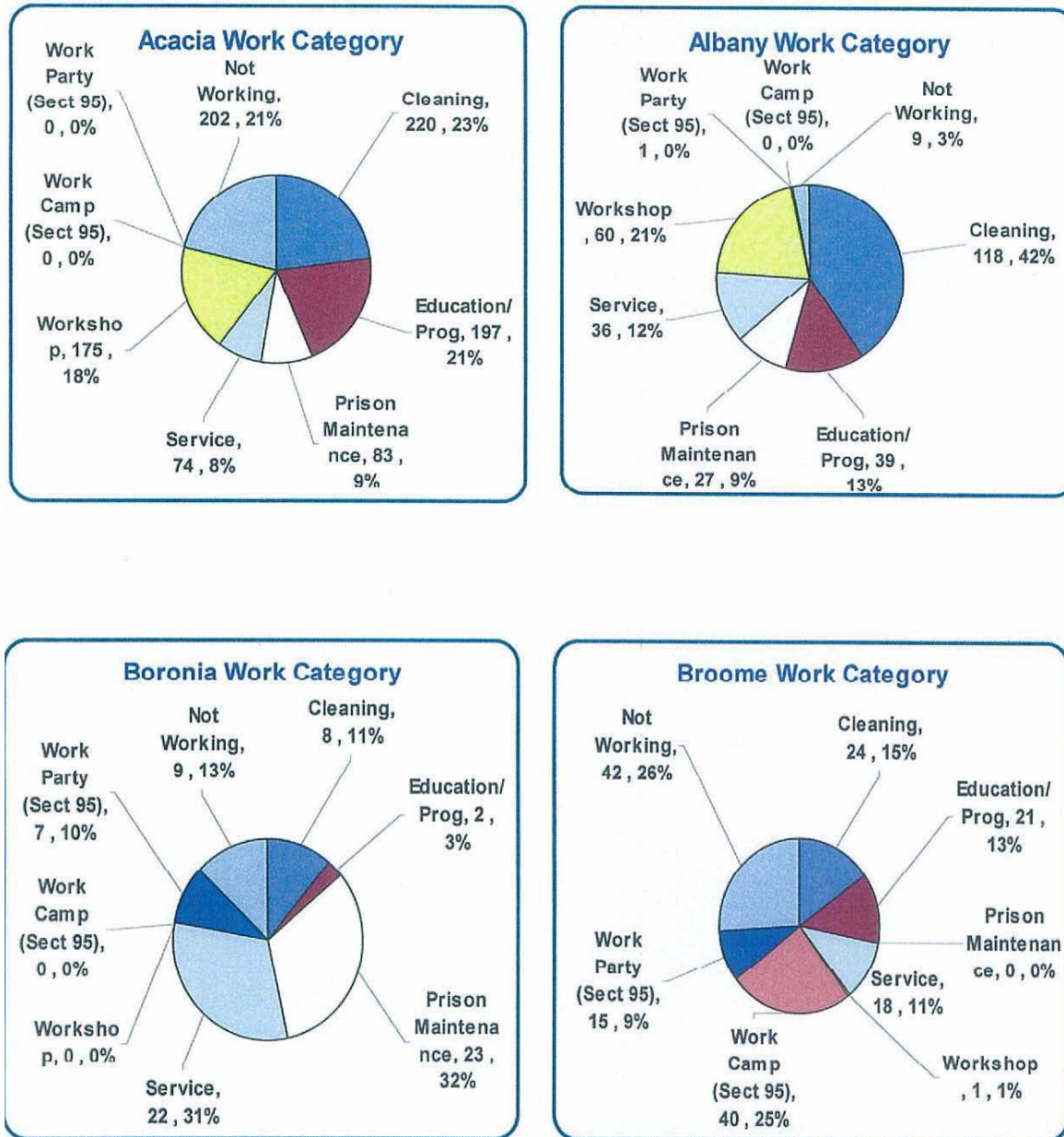
prisoners at Greenough are employed in cleaning, which requires the least supervision and expenditure, as against 13% employed in the workshop and 14% in education and programs.<sup>181</sup>

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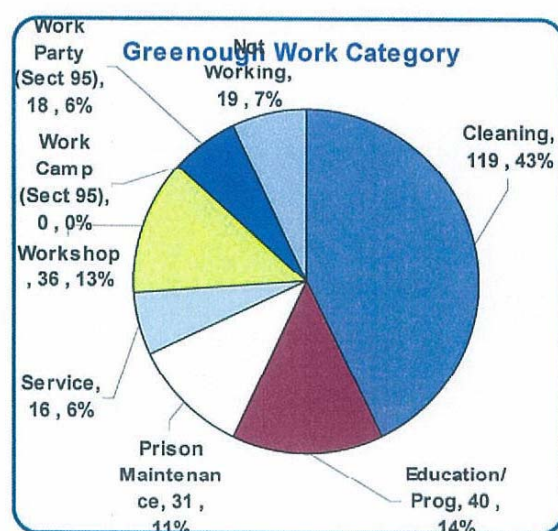
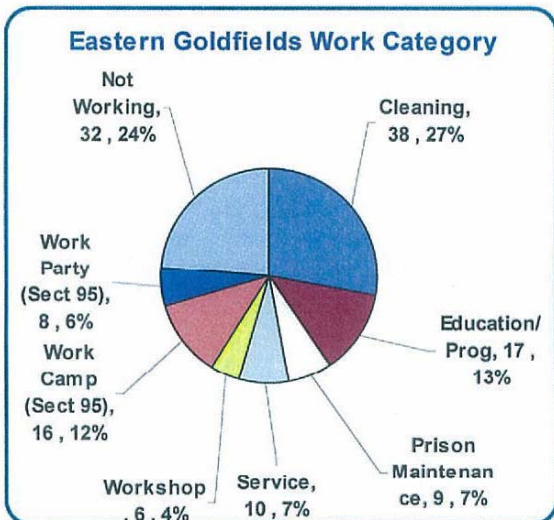
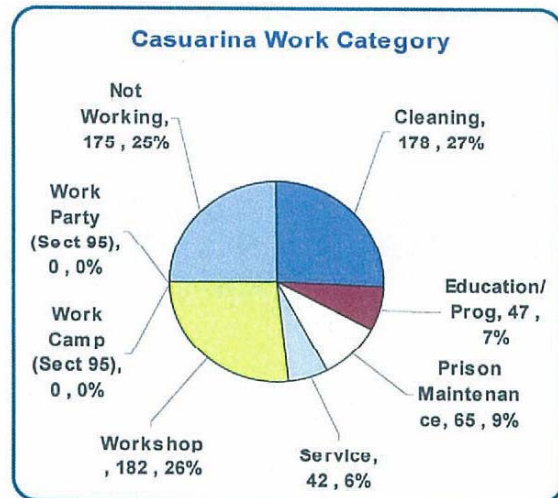
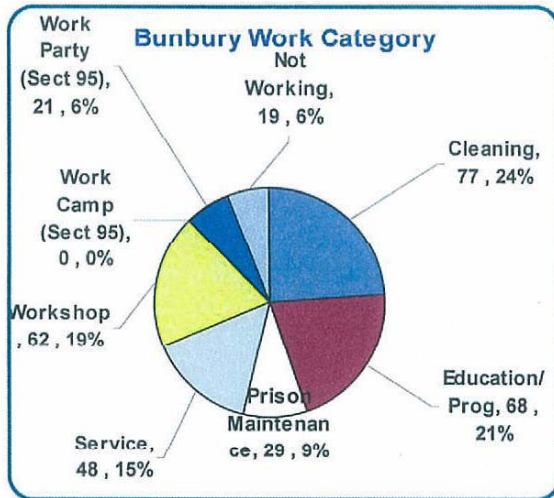
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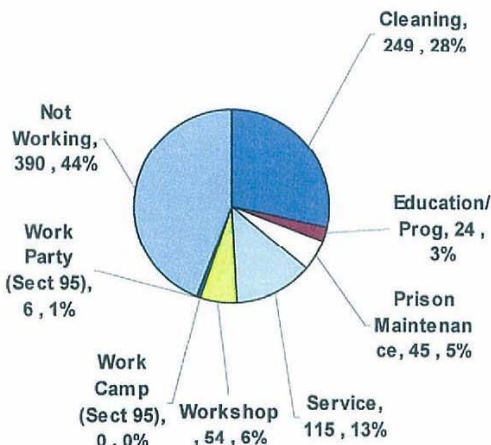
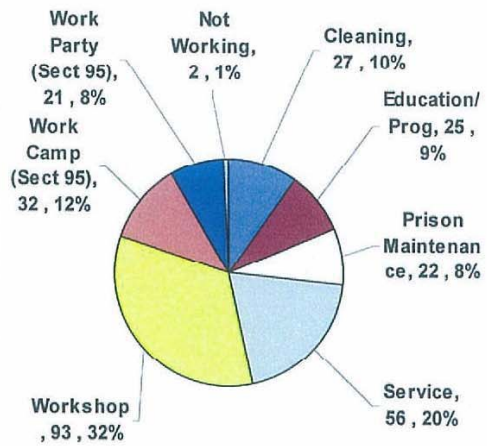
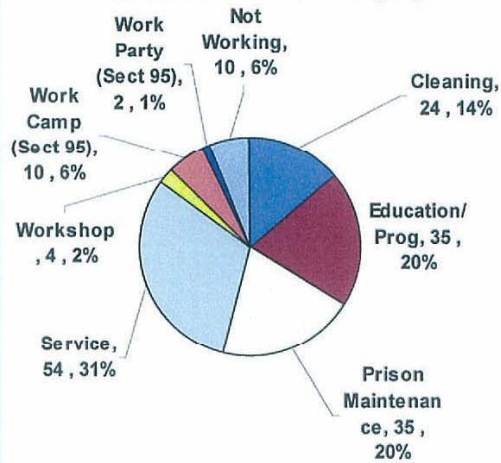
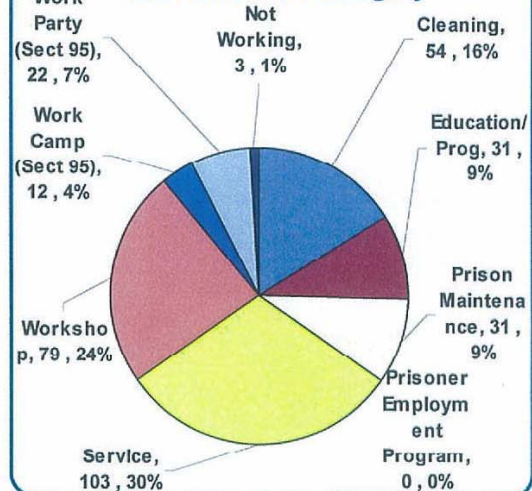
Department of Corrective Services, Internal Document, May 2010.



Figure 5.1 Employment Levels by Facility<sup>182</sup><sup>182</sup>

Department of Corrective Services, Internal Document, May 2010.



**Hakea Work Category****Karnet Work Category****Roebourne Work Category****Wooroloo Work Category**

Increased levels of vocational education and training together with employment within a prison contribute to increased safety and security within the prison environment. By contrast any reduction in education and employment opportunities will further aggravate tensions in a prison facility:

*In our view, the one thing you must not cut when you are overcrowded is access to education programs and services. I say that because, if I can use a very simple term, you will end with bees in bottles. You will end up with very angry people who are not able to access the services and programs that they need to have some prospect of getting out on parole, or having a constructive day, or having some future, and just locking them in a cell.*<sup>183</sup>

Yet the very fact of overcrowding and the consequentially diminished staff ratios is that there is an inevitable restriction of opportunities for prisoners:

*The impact of overcrowding further reduces the availability of opportunities in prisons so that where opportunities exist they are not for sufficient periods of time.*<sup>184</sup>

And:

*So, on a very simple level, on a day-to-day basis, the overcrowding pressures create a very real difficulty in being able to find enough education and activities for prisoners to do.*<sup>185</sup>

It is apparent to the Committee that prisons are able deliver high quality programmes and interventions aimed at increasing the employment chances of inmates on release. However a number of individual prisoners expressed concern to Committee members on visits to different facilities about under-employment. In fact the issue of underemployment in prisons is a major issue. The employment target sought by the Office of the Inspector of Custodial Services is six hours per day:

*Our recommendation was for all prisoners to be 'engaged in meaningful employment or skill development activities for a minimum of six hours per day.' Six hours per day (or 30 hours per week) has been the generally accepted target for many years, and is embedded in the State's contract with Serco Australia Pty Limited for the privately operated Acacia Prison.*<sup>186</sup>

However, overcrowding impacts on the prison service's ability to deliver on this target:

<sup>183</sup> Mr John Welch, Secretary, Western Australian Prison Officers Union, *Transcript of Evidence*, 21 April 2010, p4.

<sup>184</sup> Submission No. 18 from Aboriginal Legal Services of Western Australia, April 2010, p5.

<sup>185</sup> Mr John Welch, Secretary, Western Australian Prison Officers Union, *Transcript of Evidence*, 21 April 2010, p3.

<sup>186</sup> Office of the Inspector of Custodial Services, *Report No 60*, Office of the Inspector of Custodial Services, Perth, April 2009, piii.

*Overcrowding typically leads to under employment whereby multiple prisoners are assigned a task normally completed by an individual. In these circumstances prisoners are working inefficiently but are still rewarded at the same level. This can cause friction with those prisoners who are not under-employed.*<sup>187</sup>

Bandyup Women's Prison with a population c.260 exemplifies the problem:

*There are 160 jobs at Bandyup there is not enough work for everyone.*<sup>188</sup>

One unsatisfactory solution is 'job share':

*What we do find in a number of prisons is that some people are employed for relatively short periods on fairly menial tasks, like cleaning a residential unit. That job might in the past have taken somebody two hours or so. With the realities of overcrowding, you also find now that sometimes that job may actually be split between two prisoners, so that you find two prisoners are now doing a job that was not previously what you would target as an appropriate level of employment.*<sup>189</sup>

A related issue is that there are even fewer opportunities to learn work related skills:

*Underemployment was a real issue for the prison, particularly for Aboriginal prisoners ...and those with little or no work skills. The majority of the unit-based and miscellaneous workers had little to do for the majority of the day, and the activities they undertook were generally unskilled and not supported by any training or skilling activities.*<sup>190</sup>

The Office of the Inspector of Custodial Services noted that the Departmental statistics on employment rates are not particularly meaningful:

*Prisoner underemployment was an area of particular concern during the inspection. Departmental figures for the 2007–2008 year recorded that 79.6 per cent of Albany's population were employed, which was 93.6 per cent of those eligible to be employed. The percentage participating (whether in work, education or programs) on average was recorded as 99.38 per cent. However, these figures are somewhat misleading because whilst there was a range of constructive work and educational activities available within the prison and very few prisoners recorded as not working, there were high numbers of unit-based and miscellaneous workers in the prison. This indicates a shortage of meaningful and constructive activity available elsewhere in the prison. Most of the unit-based and miscellaneous workers had little to do for the majority of the day, and the activities they undertook were generally unskilled and not supported by any training or skills development activities. The Inspectorate's Standard 134 requires that 'Prisoners should have access to a range of productive employment opportunities' and in particular*

<sup>187</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p6.

<sup>188</sup> Briefing at Bandyup Women's Prison on 27 April 2010.

<sup>189</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p2.

<sup>190</sup> Office of the Inspector of Custodial Services, *Report No 60*, Office of the Inspector of Custodial Services, Perth, April 2009, piii.



*that such employment should be constructive and beneficial and not be afflictive. This standard was only partially met at Albany Prison.*<sup>191</sup>

And:

*When we visit individual prisons you find also that the measurements that tend to be used by the department are quite high but the reason it is very hard to measure is that you might find people are officially employed but that the jobs they do, do not take them very long. So one of the issues that we have talked about for many years, even when prisons were not as crowded as they are at present, is a question of whether people are doing meaningful work and whether they are doing meaningful work for a sufficient period of time.*<sup>192</sup>

### **Finding 5**

There is a significant level of underemployment in Western Australia's prison facilities. The true extent of this underemployment is masked by an over assignment of prisoners to menial tasks so that they can be provided with a gratuity.

There is a need to enhance both the quantity and quality of work opportunities available in prisons leading to employment opportunities in the community.

### **(f) Infrastructure**

The growth of prison population has impacted on available prison accommodation. The doubling up of prisoners in cells designed for one person has been the immediate response with attendant strains on infrastructure, as well as services, staffing and support systems. This was evidenced to the Committee during site visits, in submissions, and by witnesses attending public Hearings:

*If we are going to meet adequately the demands we are facing, we need infrastructure to support the growing population. That includes industry, education, basic housekeeping—laundry, kitchens et cetera. If you have a population of 200 in a facility and you are going to put in 300, chances are the infrastructure needs to be supported, particularly given our prison estate, if you like, is one of the oldest in Australia.*<sup>193</sup>

The limitations imposed by inadequate infrastructure impact programs and services with a consequential affect on the rehabilitation prospects of individual prisoners:

<sup>191</sup> Office of the Inspector of Custodial Services, *Report No 60*, Office of the Inspector of Custodial Services, Perth, April 2009, p23.

<sup>192</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p2.

<sup>193</sup> Mr Turlough Connolly, Director, Case Management and Prisoner Employment, Department of Corrective Services, *Transcript of Evidence*, 10 March 2010, p2.

*Indeed, since 2004 overcrowding in Western Australia's prison has been on the increase, with all but one prison currently in excess of its design capacity. In these overcrowded prisons, access to employment, becomes increasingly problematic. The education centres and industry workshops tend to have a finite capacity, with current work practices limiting flexibility.*<sup>194</sup>

And:

*The predominantly Aboriginal prisons of Broome, Roebourne and Eastern Goldfields (Kalgoorlie) do not have the internal infrastructure to support extensive vocational skills or employment based initiatives." This leads to those prisoner workers being chosen who are most likely (because of their existing skill base) to contribute to productivity. In this way, the less capable tend to be avoided. This makes sense in terms of maintaining productivity but ignores those most needing to acquire and develop work skills. This contrasts with education provision which screens all prisoners and then matches delivery based on needs. Indeed, many education centres focus much of their resources simply on base literacy and numeracy.*<sup>195</sup>

And:

*There is along waiting list to get into IT courses sometimes six months. There are a number of problems associated with it for instance there are only six computers (and a further ten in a 'private use' meaning TAFE training room) for which there is only one printer which is not networked to fifteen of the sixteen computers. Prisoners are no longer allowed computers, nor USBs. Lectures for some university courses last the full session.*<sup>196</sup>

And again:

*In these overcrowded prisons, access to employment, becomes increasingly problematic. The education centres and industry workshops tend to have a finite capacity, with current work practices limiting flexibility.*<sup>197</sup>

In a response to the substantial difficulties currently being faced by DCS, the State Government has embarked on a \$655million custodial infrastructure program to address the issue. This is arguably the most significant prison program in Western Australia's history:

*The custodial infrastructure program will create 1,657 new prisoner beds, with significant proportion of these scheduled for completion by the end of 2011. The result will be an intended net gain of more than 1,500 beds in the system.*<sup>198</sup>

<sup>194</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p12.

<sup>195</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p7.

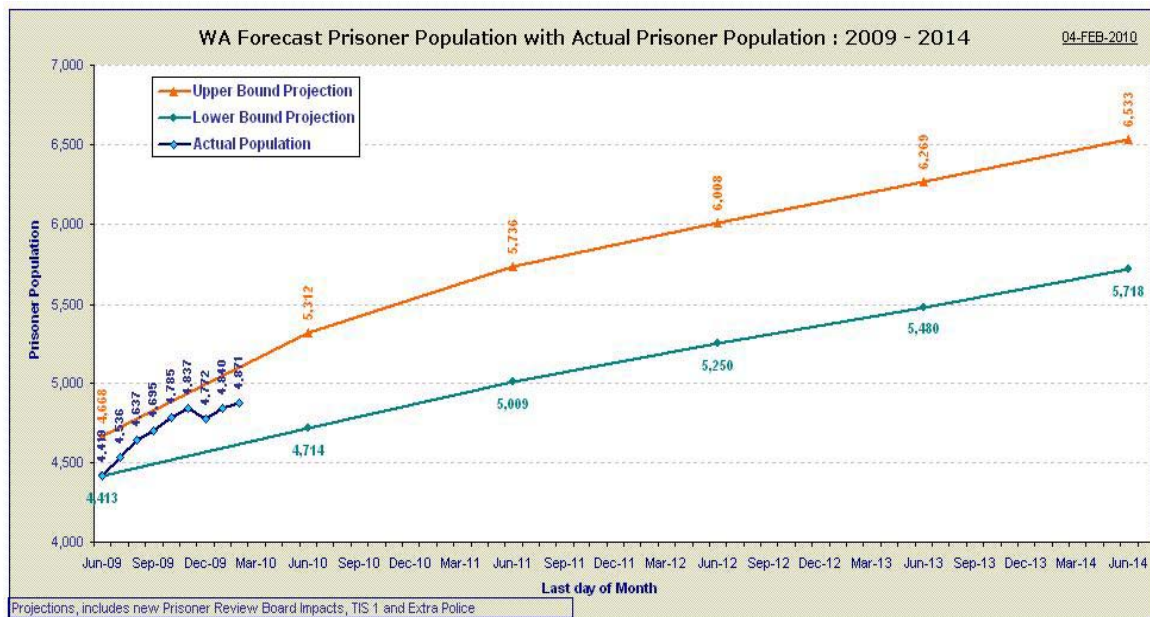
<sup>196</sup> Briefing at Bandyup Women's Prison 27 April 2010.

<sup>197</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p4.

<sup>198</sup> Department of Corrective Services, 'Government delivers new Eastern Goldfields prison', 2009. Available at: [http://www.correctiveservices.wa.gov.au/\\_apps/news/detail.aspx?ID=661&uid=2473-1215-7272-2380](http://www.correctiveservices.wa.gov.au/_apps/news/detail.aspx?ID=661&uid=2473-1215-7272-2380). Accessed on 4 May 2010.

However there are concerns that even such a substantial capital works program will fail to keep pace with projected prison population growth outlined below.

**Figure 5.2 Forecast Prisoner Population**



This concern was summarised by John Welch of the Western Australian Prison Officers Union as follows:

*Whilst the new prisons that are proposed at Rangeview, west Kimberley and the Goldfields, along with the new units at Acacia, Casuarina, Hakea and Albany, from our point of view are therefore welcome, most will not be online until 2014. The reality is that, looking at the department's own projections of growth—I am sure you will have seen those—we believe that by that point we will be back to an overcrowding level roughly similar to where we are today; that will be around 1 200 to 1 300 above the design capacity of the prison system.<sup>199</sup>*

Similar concerns have been echoed elsewhere:

*Up at Karnet just last week, I have seen the fact there has been a new unit or transportables opened for programs and education recently, so there is some of the infrastructure going in. I guess the problem is it tends to lag a bit behind the increase in numbers and then there is another group coming in. Karnet has now gone on up from 170 prisoners three years ago to 250, and another 120 will be going in fairly soon in some*

<sup>199</sup>

Mr John Welch, Secretary, Western Australian Prison Officers Union, *Transcript of Evidence*, 21 April 2010, p2.



*new accommodation. The prison can actually probably handle that number of people but it is a case of when does the other infrastructure catch up with the beds.*<sup>200</sup>

The outcome of a deficit in infrastructure is a shortfall of service provision:

*The consequence very simply of overcrowding a prison is that you make it very difficult to provide those services. On a very simple level, there are only so many facilities within each institution that are available to provide education services and for the provision of industrial services. Our members tend to provide industrial training things such as concrete products, carpentry—things of that sort. If you have a prison that is built for 390 prisoners, it has within its infrastructure the capacity to deliver services to that number of prisoners. If you then put 690 prisoners within that prison, it is very difficult to find a space physically to deliver those services to prisoners. The reality is also the same with programs and education. That is also then impacted on by the fact that clearly cost is a big issue for the government currently, and there have been efforts to try to reduce costs across the prison system.*<sup>201</sup>

#### **Finding 6**

Existing infrastructure for the provision of employment/training is demonstrably inadequate. The education centres and industry workshops have a limited capacity, and the current spike in the prison muster has further reduced the availability of employment and education in prisons.

#### **Finding 7**

There is no systematic focused approach to the creation of prison industries and consequently opportunities to defray costs and to develop employment opportunities are not fully exploited.

### **(g) Parole**

One of the reasons for high muster levels is the increased difficulty in securing parole. The issue of parole and the overcrowding in prisons is intertwined in a number of ways.

The Prisoners Review Board continues to support participation in treatment programs and other strategies:

<sup>200</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p10.

<sup>201</sup> Mr John Welch, Secretary, Western Australian Prison Officers Union, *Transcript of Evidence*, 21 April 2010, p2.

*The information that I provide to the Department of Corrective Services staff when I speak to them, both prison officers and community corrections officers, is that prisoners will maximise their opportunities for parole if they do successfully complete programs.*<sup>202</sup>

But it emphasises that “it does not automatically follow that the successful completion of the program will result in parole”.<sup>203</sup> In fact the decline in successful parole applications affects the attitude of some prisoners towards participating in prison programs due to the perception that it has minimal effect.

*ALSWA is further concerned that over-crowding is exacerbated by the increasing numbers of Aboriginal prisoners being refused parole. ALSWA has been informed by several clients serving sentences of imprisonment that Aboriginal prisoners are increasingly reluctant to participate in rehabilitation programs because they feel that such participation will not assist them in being released on parole, and that prison behaviour is generally worsening.*<sup>204</sup>

And:

*There is a view that the parole board's decisions are of significant concern to prisoners. ...My view is that it is a concern. Can I put it this way, Madam Chair: if prisoners believe that the light is switched off at the end of the tunnel that is not a healthy situation.*<sup>205</sup>

Secondly, even with willing participation, some prisoners, as evidenced earlier in this chapter, are simply unable to access relevant programs or other options. This in turn affects their chances when it comes to seeking parole.

*ALSWA is further concerned about the impact of failing to provide rehabilitative programs to offenders, demonstrated in the following case:*

*An Aboriginal man from Fitzroy Crossing was sentenced to a term of imprisonment in relation to a serious assault committed on his female partner. The man had numerous prior convictions for previous assaults on the partner. At the time of sentencing, the man was serving a term of imprisonment for an assault committed upon another woman. Prison documents provided by the man to his ALSWA lawyer noted that the man had been assessed as needing to participate in Aboriginal specific alcohol rehabilitation, anger management, and cognitive behavioural therapy programs. None of these programs were made available to the man whilst serving the sentence. The man was not released to parole because*

<sup>202</sup> Justice Narelle Johnson, Chairperson, Prisoners Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p3.

<sup>203</sup> Justice Narelle Johnson, Chairperson, Prisoners Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p3.

<sup>204</sup> Submission No. 18 from Aboriginal Legal Services of Western Australia, April 2010, p6.

<sup>205</sup> Mr Turlough Connolly, Director, Case Management and Prisoner Employment, Department of Corrective Services, *Transcript of Evidence*, 10 March 2010, p10.

*he had not addressed the core reasons for his offending behaviour and remained a danger to the community. He was effectively trapped in the system.*<sup>206</sup>

However the Prisoners Review Board is unaware of the increasing difficulties of accessibility to treatment options.

*We find that, presuming programs are available, if the board suggests to a prisoner that they undergo a particular program, we are not aware of there being any difficulty with that.*<sup>207</sup>

This provides a Catch 22 where prisoners may not be released on parole as they have not been able to access programs, further exacerbating overcrowding, which in turn further gridlocks the system.

### **Finding 8**

Although the availability of rehabilitation programs and services do not form the priority consideration for the Prisoners Review Board, they remain a consideration. There is evidence of a negative feedback loop, where the tightening of access to parole adds to high muster levels, which in turn reduces prisoner access to programs and further compounds the difficulty in obtaining parole.

<sup>206</sup> Submission No. 18 from Aboriginal Legal Services of Western Australia, April 2010, p6.

<sup>207</sup> Justice Narelle Johnson, Chairperson, Prisoners Review Board of Western Australia, *Transcript of Evidence*, 10 February 2010, p2.



## CHAPTER 6 PRISON LABOUR AND EMPLOYMENT STRATEGIES IN WESTERN AUSTRALIA

### 6.1 Background

Employment strategies are a hallmark of correctional services operations around the world. They are run, as outlined in this chapter, to support the need for cost effective prisons, for the maintenance of order and discipline, and for rehabilitation. In Western Australia, prisoner employment and training is a significant part of a prisoner's sentence plan, even though it is peripheral to the primary purpose of DCS which is the secure confinement of prisoners.

Education and employment strategies operate in parallel with treatment programs and other activities in engaging prisoners. They are therefore competing for a prisoner's time.

*It is difficult to see how ex-prisoners can stay free of crime indefinitely without a way to sustain themselves and this view is reflected from the start of the report when the Panel states that "without the means to earn a living upon release, an offender's rehabilitation is jeopardized." However, as the Panel notes, "employment has been eclipsed as a priority over the past decade by programs that address other core needs (e.g., substance abuse and violence)."*<sup>208</sup>

### 6.2 Legislative issues in the use of prison labour

#### (a) International conventions and rules in respect to prison labour

For centuries nations have exercised their right to use prison labour in a variety of ways, including public works. Many of Australia's finest heritage buildings bear testimony to that policy. However, there are international conventions on the use and the employment of prison labour to which Australia is a signatory. In particular, Australia has been a member of the International Labour Organisation since 1919.

The International Labour Organisation (ILO) Convention 29 on Forced Labour was adopted by the General Conference of the ILO on 28 June 1930 and was ratified by Australia on 20 January 1932.<sup>209</sup> This is the main international convention dealing with prison inmates who are working.

Under Article 1 of the Convention, all Parties undertook to suppress the use of forced or compulsory labour in all its forms. According to the ILO Convention "forced or compulsory labour" means:

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<sup>208</sup> Jackson, M. & Stewart, G., *A flawed compass: A human rights analysis of the roadmap to strengthening public safety*, 2009, p121.

<sup>209</sup> International Labour Organisation, 'List of Ratifications of International Labour Conventions', Available at: <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byCtry.cfm?lang=en&CTYCHOICE=0040>. Accessed on 14 April 2010.

*All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.*<sup>210</sup>

Article 2(2) (c) of the ILO Convention provides that the term "forced or compulsory labour" shall not include:

*Any work or service exacted from any person as a consequence, of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations.*<sup>211</sup>

The United Nations Standard Minimum Rules (the Rules), were adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Geneva in 1955, and were approved by the Economic and Social Council by resolutions in 1957 and 1977. The Rules recognise the need for flexibility due to individual countries different circumstances and advocate that it is the broad purpose of the principles and practices enunciated in the Rules that should be adhered to, rather than the strict wording itself.

Rule 72(2) of the Rules states that:

*The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.*<sup>212</sup>

Rule 73(1) states that:

*Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.*<sup>213</sup>

Effectively this means that states are free to continue to compel their prisoners to work, provided that they meet three interrelated conditions, namely:

- The requirement that prisoners must have been convicted in a court of law. This means that prisoners who are held on bail, or people who are held in any sort of administrative detention may not be compelled to work, although they may be offered work and they may agree to do it;

<sup>210</sup> International Labour Organisation, 'Committee on Legal Issues and International Labour Standards', Available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_116711.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_116711.pdf). Accessed on 14 April 2010.

<sup>211</sup> International Labour Organisation, 'Committee on Legal Issues and International Labour Standards', Available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_116711.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_116711.pdf). Accessed on 14 April 2010.

<sup>212</sup> Rodley, N.S., *The treatment of prisoners under international law*, Oxford University Press, UK, 2002, p424.

<sup>213</sup> Rodley, N.S., *The treatment of prisoners under international law*, Oxford University Press, UK, 2002, p424.

- Secondly, there is the requirement of public supervision and control of prisoners at work. In the case of Acacia the oversight falls to DCS; and
- Thirdly it is ‘preferable’ that prisoners not be ‘placed at the disposal’ of the private sector. It should be noted that this does not preclude prisoners from voluntarily taking up work on offer. However the ILO Committee of experts argues that market rates should apply with the state being allowed to defray their costs and deduct compensation for the victim of crime.<sup>214</sup> This is the basis on which some American states operate privately run prison industries.

It will be noted that the Article 2.2 of the Convention empowers the State of Western Australia to force prisoners to work while it principally concerns itself with the activities of the private sector and their use of prison labour.

### **(b) Western Australian legal issues in the use of prison labour**

Prison labour is distinguished from the labour force outside the prison facilities with respect to a number of key factors.<sup>215</sup>

1. It is not voluntary. Prisoners do not necessarily choose to work; they are compelled to work. Supporting compulsion, prisoners may be sanctioned if they refuse to undertake assigned work;
2. Prisoners are not employed under any type of contract and as a consequence:  
*In the absence of a voluntary exchange, inmate workers can be neither employees nor independent contractors. This means that they are necessarily excluded from most common forms of labour law.*<sup>216</sup>
3. Prison labour is regulated through the State of Western Australia by means of legislation and subordinate instruments. This is done in a manner that is fundamentally different from the regulation of free labour.

The differences in conditions that therefore exist between free and prison labour are significant.<sup>217</sup>

1. Prison working conditions are generally lower than those prevailing outside prisons;

<sup>214</sup> Fenwick, C., ‘Globalisation and Human Rights: a case study of prisoners’ labour’, Annual conference of the Australian and New Zealand Society of International Law, Canberra, 19 June 2004, p6.

<sup>215</sup> Fenwick, C., ‘Regulating Prisoners’ labour in Australia: A preliminary View’, *Australian Journal of Labour Law*, vol. 16, 2003, p284.

<sup>216</sup> Fenwick, C., ‘Regulating Prisoners’ labour in Australia: A preliminary View’, *Australian Journal of Labour Law*, vol. 16, 2003, p284.

<sup>217</sup> Fenwick, C., ‘Regulating Prisoners’ labour in Australia: A preliminary View’, *Australian Journal of Labour Law*, vol. 16, 2003, p284.

2. Prison labour has significantly less developed mechanisms to pursue their rights. However under Common Law the prisoner is owed a duty of care by the state;
3. Prisoners are excluded from accident compensation as they do not meet the required definitions of ‘worker’ or employee; and
4. The rates of ‘pay’, known in Western Australia as a gratuity, are those determined in Prison Regulations 1982 (WA); Regulation 44 and 45. They are based on the level of work that DCS determines a prisoner is undertaking. Legally, DCS exercises significant control over the type of work that a prisoner does and therefore the amount that they might be able to earn.

Although the occupational health and safety legislation protects prisoners only by virtue of its public safety provisions, in Western Australia:

*The Prisoner Employment Policy directive provides that prison officers must enforce prisoner compliance with workplace health and safety regulations.*<sup>218</sup>

As will be inferred from this section, the prisoner is reliant on the State of Western Australia which “sets out their working conditions directly and unilaterally.”<sup>219</sup>

### 6.3 Prison employment in Western Australia

*The absolute priority in prison activity is to keep prisoners occupied and out of their cells.*<sup>220</sup>

Prisoner employment strategies have three different foci, namely:

1. Provide constructive activity, thereby facilitating the management of prisoners.

As part of a prisoner management strategy DCS seeks to provide employment for the maximum number of prisoners to keep them occupied. At its most basic level prisoners are engaged in self-sufficiency tasks such as the cleaning and care of their unit and other constructive activities. The philosophy behind this is that people are sentenced to custody as punishment not for punishment, but this does not mean that prisoners should not work or be given the opportunity to make reparation for the harm done by their offending.

Indeed, keeping prisoners idle is both destructive to the spirit and increases the risk of misbehaviour and unrest. Imprisonment should therefore seek to provide a wide range of constructive activity for prisoners that will keep them meaningfully occupied.<sup>221</sup>

<sup>218</sup> Fenwick, C., ‘Regulating Prisoners’ labour in Australia: A preliminary View’, *Australian Journal of Labour Law*, vol. 16, 2003, p284.

<sup>219</sup> Fenwick, C., ‘Regulating Prisoners’ labour in Australia: A preliminary View’, *Australian Journal of Labour Law*, vol. 16, 2003, p284.

<sup>220</sup> Briefing at Bandyup Women’s Prison 27 April 2010.



2. Support the self sufficiency of the operation of a prison, offset costs and provide opportunities throughout the prison system to varying degrees for work in a variety of prison based industries. Concurrently this may be done while undertaking certificated training that is relevant to the workplace. For example:

*Work that aims to maximise the extent to which the individual prison is self-sufficient in its operations - such as cleaning, catering and baking, gardening, maintenance, laundry, canteen, recreation, and prisoner support.*<sup>222</sup>

And:

*Work which supplies the wider prison estate with a range of goods and services that otherwise the Department would have to purchase on the open market - includes clothing manufacturing, horticulture, dairy and meat farming, vegetable preparation.*<sup>223</sup>

3. Provide a positive contribution to the prison's cash flow, through:

*Commercial contracted work, which is profit-based. Wood work, metal work, catering, picture framing, and vegetable preparation are some examples of such contractual arrangements.*<sup>224</sup>

Education and employment have long been recognised as contributing to reducing re-offending and were the first two of nine key factors that were identified as influencing re-offending by ex-prisoners noted in the landmark 2002 report by the UK Social Exclusion Unit.<sup>225</sup>

However training is impeded by two factors in practice. In the first instance, because many prisoners have a relatively poor educational background,<sup>226</sup> prison industries which require a low level of skills and don't need skills development are readily seen as being attractive to DCS. Secondly, as noted in Chapter five, the capacity to impart training to up-skill prisoners has been impaired due to overcrowding.

Significantly, while some employment and employment training may not be directly relevant to employment opportunities existing outside the prison envelope it will often still have merit on release. This was highlighted to the Committee on a site visit to Bandyup Women's Prison.

*The population has diverse needs and there is more to it than simply the prospects of employment on release. When they ran a construction course it was well subscribed and*

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<sup>221</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p3.

<sup>222</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p5.

<sup>223</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p5.

<sup>224</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p5.

<sup>225</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p3.

<sup>226</sup> Mrs Christine Laird, Managing Director, Department of Corrective Services, *Transcript of Evidence*, 19 February 2010, p13.

*the participants saw it as a way they could recover their bonds when they moved from place to place.*<sup>227</sup>

## 6.4 Integrating education/training to employment and industry

One of the primary tasks of prison education is to increase the chance of employment for ex-offenders. The Education and Vocational Training Unit (the Unit) operates within the Offender Services Directorate to provide an education and vocational training service for adult prisoners. In Western Australia, education and employment have long been recognised as contributing factors in reducing re-offending.<sup>228</sup>

Vocational education and training (VET) is about skills development. An integration of education, training and employment represents what research literature identifies as best practice.<sup>229</sup> VET will be fully covered in the second and final report on this Inquiry. In this section of the report vocational education and training is canvassed only to the degree that it impinges on DCS employment and industry initiatives.

The Unit operates a Registered Training Organisation (RTO) known as Auswest Specialist Education and Training Services (ASETS). The decision to become a RTO was made after undertaking an extensive review of best practice around the world, and consideration of both ‘in-house’ models of service delivery and the use of external service providers.

*The decision to become a registered training organisation in 2000 and expand services beyond what was once generally an adult basic education program was made largely to enable greater choice and flexibility in scope of delivery. It also was based on an acknowledgment of the recommendations of a number of research studies that discussed the value of vocational training and the importance of post release employment.*<sup>230</sup>

ASETS delivers a collaborative and coordinated program. This involves prisoners earning accredited vocational education and training qualifications while still in prison. It also entails developing relationships with training providers, employers, and industry representatives leading to employment and further education once released. The approach taken is unique to Australia and provides the State ‘with a systematic and far reaching plan to ensure prisoners are prepared for successful reintegration to the community’.<sup>231</sup> While the training is nationally accredited, coming under the banner of ASETS, it is not openly stamped ‘Department of Corrective Services’ which avoids unnecessary stigmatisation.

<sup>227</sup> Briefing at Bandyup Women’s Prison 27 April 2010.

<sup>228</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p4.

<sup>229</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p8.

<sup>230</sup> Laird, C., Chavez, M., Zan, M., Using research to inform practice: Western Australian correctional education, The National Centre for Vocational Education Research, 2007.

<sup>231</sup> Department of Corrective Services, WA Training Awards 2009 Submission, 2009.

As one consequence of their integrated initiative the Unit won the Australian Training Initiative Award at the Australian Training Awards in 2009. This award recognises innovation and excellence in the training sector and was awarded for the Department's 'ASETS Through-care Program'<sup>232</sup> which helps prisoners re-enter the community as job ready, motivated individuals.<sup>233</sup>

This integrated model forms the foundation of DCS's strategy with respect to the direction it is developing in employment.

*The ASETS through-care model support ensures that while prisoners are trained they are also supported in employment placement to ensure the best outcomes for everyone.*

*It takes the concept of prison industries – where prisoners work within industrial workshops inside the prison – and other prisoner work experience programs to a new level by acknowledging and addressing the special needs of this group and integrating the work of outside agencies, training providers and employers to achieve the standards required for accredited qualifications.*

*The program is guided by a growing body of evidence based international research that shows a strong correlation between education and skills development – which supports long-term, satisfying employment – and reduced re-offending rates.<sup>234</sup>*

ASETS works both with prisoners and with industry groups to improve its effectiveness.

*ASETS has forged strong working relationships with industry groups and employers to ensure the training meets industry requirements and, indeed, addresses specific employer needs in targeted industries. The holistic nature of the program, which includes an emphasis on transformational educational objectives, is proving to be flexible enough to assist prisoners in their personal lives even during periods of global financial crisis.<sup>235</sup>*

Prisoners undertaking education whether full time or along with employment remain eligible for a weekly gratuity, encouraging their ongoing participation which is voluntary.

*Prisoners that engage in full-time studies are able to gain gratuities in the same way as prisoners that are employed. Prisoners that engage in education on a part-time basis and who are otherwise employed usually do not have their gratuities reduced by time out of the workplace spent in education.<sup>236</sup>*

<sup>232</sup> This integrated initiative is not to be confused with the 'Thoughtcare' model used more broadly in some other jurisdictions, or DCS's 'Integrated Offender Management' strategy.

<sup>233</sup> Submission No. 15 from Department of Corrective Services, March 2010, p14.

<sup>234</sup> Department of Corrective Services, WA Training Awards 2009 Submission, 2009.

<sup>235</sup> Department of Corrective Services, WA Training Awards 2009 Submission, 2009.

<sup>236</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p10.

**Finding 9**

The Education and Vocational Training Unit in DCS have developed, through their registered training organisation, ASETS, an award winning approach to education and training in prisons. This involves prisoners earning accredited vocational education and training qualifications while still in prison, and developing relationships with training providers, employers and industry representatives. This leads to employment and further education once they are released.

**6.5 Apprenticeships**

Western Australian prisons have been successfully offering Traineeships (Certificate II level qualifications or the first year of an apprenticeship) for over twenty years in around 16 different industry areas. Apprenticeships are considered the next level up in the training process and WA is the first Australian corrective services agency to have full apprenticeship qualifications in prisons.

In order for prisons to be approved for the delivery of apprenticeship training, the activities in prison industries need to be compared with external industries. Assessments evaluate the type of activities, the complexity, the production timelines, machinery and equipment used, standards etc.

DCS has sought professional opinions from industry as well as various Registered Training Organisations to assess their apprenticeship proposals. DCS are approved to run horticultural apprenticeships at certain sites and are currently waiting the final decision in cabinetmaking.

**6.6 Formalised employment strategies**

In addition to the more general employment strategies outlined above, a number of work options exist for eligible minimum security prisoners. These include:

- skills training facility “DECCA Station;”<sup>237</sup>
- the Prisoner Employment Program;
- work parties; and
- work camps.

**(a) DECCA skills training facility**

The Roebourne Regional Prison operates a training facility outside of Roebourne with strong links to the private sector, most notably Rio Tinto Iron Ore (Rio Tinto).

<sup>237</sup>

The DECCA station was named after the Decca Navigator System, a hyperbolic low frequency radio navigation system. The facility near Roebourne was one of a number of land-based stations organised into ‘chains’. The name, ‘DECCA’, was retained by DCS for the skills training facility.

Since 2006, 113 prisoners have completed the DECCA program. Of those 37 are still in custody, and only 7 of the 69 released have returned to custody. This is less than a 10% recidivism rate. 37 prisoners continue to remain in full time employment. The skills training delivered at DECCA maintains appropriate flexibility to ensure that industries' changing skills requirements are delivered. This maximises employment outcomes for Aboriginal prisoners.<sup>238</sup>

The Committee visited the training facility and was impressed by the positive outlook in participants, all of whom are Aboriginal. DECCA runs in parallel to the *Rio Tinto Ready to Work Scheme*. Entry to this scheme is based on a minimum security classification, an aptitude assessment, a willingness to participate, being local indigenous, and nearing the end of the prison sentence.

This latter course has now run four times. Two courses are conducted each year with 12-14 participants, for a duration of 12-16 weeks. There is a drop out rate of two or three per course not least because they fail a urinalysis for drugs (tested regularly). TAFE pays the instructors and Rio Tinto provides staff for certain sessions. TAFE delivers Rio Tinto specific programs.

*The partnership with Rio Tinto has continued to grow in that the prison is currently delivering its fourth Rio Tinto Work Ready program in two years. The basic principal behind the DECCA site is three-fold:*

- *To deliver skills training relevant to mining sector employment to those prisoners with the aptitude;*
- *To deliver skills training to prisoners with a lower aptitude who show an interest in progressing to employment with contractor companies or for employment on cattle stations and associated properties; and*
- *To deliver basic trade skills to prisoners with the lowest aptitude so that these skills can be returned to their home communities to assist in their ongoing maintenance requirements for future self sustainability.*<sup>239</sup>

*With the success and growth of the DECCA skills training facility and the successful negotiations and interaction with Rio Tinto Iron Ore, prisons in other Australian jurisdictions and within Western Australia solicited the processes and practices of this success to replicate similar training programs with mining companies.*

*The DECCA project initiative is currently due to be assessed under the Federal Attorney General's Standing Committee of Attorneys General (SCAG) Working Group on "good practices" in Indigenous Justice, one of only two projects in Western Australia to be assessed for inclusion in an Australia wide initiative.*<sup>240</sup>

<sup>238</sup> Mr Brian Wilson, Superintendent of Roebourne Regional Prison, 'Briefing paper to the Community Development and Justice Standing Committee,' 11 May 2010.

<sup>239</sup> Mr Brian Wilson, Superintendent of Roebourne Regional Prison, 'Briefing paper to the Community Development and Justice Standing Committee,' 11 May 2010.

<sup>240</sup> Briefing at Roebourne Regional Prison 11 May 2010.

The main areas of training at DECCA include:<sup>241</sup>

- *Certificate 1 in General Construction*
- *Certificate 2 in Resource & Infrastructure*
- *Elevated Work Platform (EWP)*
- *Scaffolding*
- *Rigging*
- *Bobcat operation*
- *Forklift operation*
- *Welding*
- *Carpentry*
- *Plumbing*
- *Senior First Aid*
- *OSH White card*
- *Computer Skills*
- *Resume and CV writing skills*



DECCA provides for a broad array of skills beyond those required by Rio Tinto thus enabling entrants to access work elsewhere. For instance RCR Engineering will employ prisoners because of their skills and, in a recent example, one local company, Metalcom, were impressed by the quality of the welding being undertaken and offered employment to three of the DECCA prisoners upon their release.

Female prisoners are able to participate in the DECCA program but few have applied to date. Two of those who did are employed by Rio Tinto.

Complementing the DECCA initiative is the position of an Employment Coordinator. This position has increased prisoner employment through all avenues developed by the prison to the extent that there are currently in excess of 90 ex-prisoners being tracked and assisted through various streams of employment. The recent signing of an agreement with Rio Tinto to engage five

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<sup>241</sup> Briefing at Roebourne Regional Prison 11 May 2010.

prisoners into full-time employment while still in custody is a further step in the role of the private sector in prison employment.

The Employment Coordinator at Roebourne Regional Prison advised the Committee that ongoing employment stability is attributable to a sustained follow up by the Coordinator for a six month period following the release of an offender. One of the challenges faced in providing such support was the sense of shame that an Aboriginal person might have if, for example, they slept in. This sense of shame generally resulted in their ongoing absenteeism from work. The Coordinator saw her role as working with the ex-offenders to overcome such attitudinal issues along with providing support in more general terms. The outcomes reflect the success of the strategy. The Committee was advised of Aboriginal ex-offenders now employed across a range of occupations with a number earning very significant incomes enabling them to buy their own houses.

In the Pilbara, expansion in the employment of prisoners still in custody is set to grow with other mining companies and major contractors verbally committing to this initiative with numbers anticipated to reach into the mid twenties by the end of 2010.

Both prisoners and DCS staff spoke of the value of being ‘outside of the prison environment’ as facilitating a change in attitude. As elsewhere in the prison system the Committee found that DECCA has achieved noteworthy success in the face of a lack of resources. It has to scavenge and solicit goods in kind to succeed.

Rio Tinto advises that they are beginning to see a cultural shift in the Aboriginal population towards employment, with applicants outnumbering positions. In addition they advise that the increasing wealth from employment is slowly being evidenced in townships like Roebourne which have had a long history of significant Aboriginal disadvantage.<sup>242</sup>

#### **Finding 10**

The active engagement of the private sector, notably Rio Tinto Iron Ore in the Pilbara, in training followed by the provision of post release employment opportunities has led to significant positive results for participating ex-offenders. These long term outcomes are attributable to the relevance of such industry directed training to the work place.

#### **Finding 11**

The stability of ex-offenders in the workplace is significantly enhanced and recidivism reduced when consistent support is provided for the critical first six months subsequent to a prisoner’s release.

<sup>242</sup> Briefing by Justin Francesconi, Rio Tinto Iron Ore, Roebourne 11 May 2010.

**Finding 12**

Too many prisoners are languishing in a system that cannot provide levels of employment and training that develop work skills which will equip prisoners for life post release.

**(b) Prisoner Employment Program**

One of the most publicised employment initiatives run by DCS is the Prisoner Employment Program (PEP).

*Prisoner Employment Program refers to the job search, work preparation and employment placement activities provided as part of the through-care model of rehabilitation for eligible prisoners. Eligible prisoners may leave prison each day to undertake these activities and some engage in paid employment within the community as part of their re-entry preparation and transition back into the workforce on their release.*<sup>243</sup>

Early indications are that PEP participants have a markedly lower recidivism rate than the general population of ex-prisoners, at 13% versus the general prison population's 40%.<sup>244</sup>

*However as recidivism is measured over 2 years the positive outcomes may be partly due to the fact that the full 2 year period has not yet been completed. As such the data is considered inconclusive at this time.*<sup>245</sup>

There are however a number of concerns around PEP. In every discussion with the Committee a common concern raised was the real difficulty that prisoners have accessing the program, leading to a very low number of participants. This fostered a belief that only those who will succeed outside the prison system gain a place. As such the success rate of the initiative is predetermined:

*Participation in this program is a privilege reserved for those prisoners who demonstrate trustworthiness while in custody. Additionally, prisoners must undergo and pass a rigorous risk assessment process (with particular attention given to risk to the safety and security of the public; likelihood of successful program completion; and prisoner's behaviour whilst in custody) before participation in the program is approved.*

And:

*However in the more than a year since it began only 116 prisoners have been accepted onto the program, only 2.4% of the 4,879 18 February 2010 muster. Currently, PEP has*

<sup>243</sup> Submission No. 15 from Department of Corrective Services, March 2010, p13.

<sup>244</sup> Submission No. 12 from Outcare Inc., March 2010, p3.

<sup>245</sup> Submission No. 15 from Department of Corrective Services, March 2010, p55-56.



*too many rules and requirements for prisoners to be accepted onto it. In order for it to be more successful, either the rules need to be relaxed or it should be contracted out to an organisation such as Outcare with a proven track record in rolling out successful employment programs for prisoners.*<sup>246</sup>

And:

*Access to PEP is a bureaucratic nightmare with gate keeping being undertaken by the sentence management Directorate. You cannot get into PEP without having done any requisite programs and you cannot do the program because there is a wait list that exceeds your sentence.*<sup>247</sup>

And again:

*Of the three main minimum security facilities that ran the PEP, Boronia Pre-release Centre for Women had two women on PEP, Karnet Prison Farm has two men out on PEP and there were four prisoners on PEP at Wooroloo at the time. There are a series of issues of PEP around the approvals process because it is quite bureaucratic. Another issue that one has to be sensitive to is that, as far as I can tell, most of the people going out on PEP were actually already skilled. Some of them were going back to the jobs that they had done before, or very similar jobs. Although I am sure that the recidivism figures are very good, it certainly would have been a very carefully selected cohort of prisoners going out and doing it and it would have been a very skilled group already. The question to me is whether we can utilise PEP as a means to help skill up people and not keep it for those people who were actually very employable anyway.*<sup>248</sup>

*Increase the Prisoner Employment Program (PEP) and make it easier to access so that 1,000 prisoners go on it each year*<sup>249</sup>

Finally the Committee was advised that the approval process allowing a prisoner access to PEP can take three months, because of the many tiers in the approval process. These include the need for health checks, the need to ascertain whether or not the prisoner has completed a range of other processes or interventions within the system; and the need to check the employer and prisoner for 'fit'.<sup>250</sup>

<sup>246</sup> Submission No. 12 from Outcare Inc., March 2010, p3.

<sup>247</sup> Briefing at Bandyup Women's Prison 27 April 2010.

<sup>248</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p7.

<sup>249</sup> Professor Neil Morgan, Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 10 February 2010, p7.

<sup>250</sup> Mr Brian Ellis, Director, Sentence Management, Department of Corrective Services, *Transcript of Evidence*, 19 May 2010, p6.

**Finding 13**

The Prisoner Employment Program (PEP) provides some minimum-security prisoners in Western Australia with the opportunity to engage in meaningful and sustainable paid employment, work experience, vocational training and education. Selected prisoners may leave prison each day to undertake these activities and some engage in paid employment within the community as part of their re-entry preparation and transition back into the workforce on their release.

On the limited data available to date, PEP appears to have produced impressive results in reducing the recidivism rate. However its accessibility is heavily restricted and the current results may be skewed by the selection process for the small number of participants.

**Recommendation**

Recognising the success of the Prisoner Employment Program, the Committee recommends that the Department of Corrective Services broadens the eligibility criteria for participation in the Prisoner Employment Program and that the placements in the program be increased.

**Recommendation**

While recognising security needs, the Committee recommends that the Department of Corrective Services delivers a faster turn around time for approvals for entry into the Prisoner Employment Program so that significant employment opportunities are not lost.

**(c) Work parties**

Once gaining a minimum-security rating, opportunities for employment expand to include activities external to the prison such as work parties and work camps:

*Under Section 95 of the Prisons Act 1981 **Section 95 Working Parties** are parties of minimum security prisoners performing supervised work outside of prisons on community work projects for not for profit organisations and charities. Work projects fall into the five main categories of environmental, heritage, disaster relief, recreation and tourism<sup>251</sup>.*

Both work parties and work camps are seen as a very visible expression of corporate social responsibility:

<sup>251</sup>

Submission No. 15 from Department of Corrective Services, March 2010, p13.

*There is a long history in WA of offenders in the community and custodial settings “repaying” their debt to society through community works. This ranges from dune and land conservation to maintenance of historically important landmarks, working in charitable organisations, manufacturing furniture for people with a disability and a range of other activities in between.*

*Offenders undertaking such work for the benefit of the community are learning valuable job skills and the value of doing things for others, which increases their levels of respect and empathy. These important outcomes play a large part in reducing the risk of reoffending, which meets the Department’s mission of contributing to a safer Western Australian community.<sup>252</sup>*

#### **(d) Work camps**

The first work camp was established in 1998 in Walpole. Since then six prisoner work camps have been established in rural and regional areas. Two new work camps should be completed by 2011. One will be located in Warburton and one in the Wheatbelt region. Work camps collaborate with local communities to engage prisoners in meaningful works that essentially provide a form of reparation to the Western Australian community. Each work camp may accommodate up to twenty prisoners:

*Work Camps are permanent camps based in rural and regional areas comprising small groups of eligible minimum security prisoners. Work camps perform a broad variety of community work as well as undertaking relevant on the job vocational and educational training. As with Section 95 Work Parties, work camp projects generally fall under the categories of environmental, heritage, disaster relief, recreation and tourism projects.<sup>253</sup>*

The nominal value of community and voluntary work undertaken by prisoners located at WA prisons and work camps is estimated by DCS to be in the order of \$2.5m per annum.<sup>254</sup>

The work camps around the state are reparative:

*They are extremely well accepted by local communities because they make a good contribution to the communities. Classically, offenders in work camps are involved in reparation and they will go and clean up parks. I think in Wyndham, when it is race week, they go and tidy up the racecourse and so on and make it all look nice. They are well accepted by the community because they assist.<sup>255</sup>*

While DCS’s prisoner work camp project has been acknowledged at state and national level for its contribution to regional Western Australia and its relationship with local communities, gaining a number of awards over the years, there are some reservations expressed by the Office of the Inspector of Custodial Services with respect to their inclusivity:

<sup>252</sup> Department of Corrective Services, 2009 Annual Report, p6.

<sup>253</sup> Submission No. 15 from Department of Corrective Services, March 2010, p13.

<sup>254</sup> Submission No. 15 from Department of Corrective Services, March 2010, p47.

<sup>255</sup> Ms Helen Baron St-John, Transcript of Evidence, 19 May 2010, p6.

*The Department's 'Work Camps Future Directions' paper<sup>256</sup> states that 'regional work camps are well suited to Aboriginal offenders who often struggle to cope with imprisonment in a standard custodial environment'. It was therefore disappointing that there have been very few Aboriginal prisoners placed at either southern work camp. Unfortunately, there is no specific work camp for Nyoongar Aboriginal prisoners from the South West region of the state, which is a missed opportunity for the Department.<sup>256</sup>*

This was further expanded on by the Office of the Inspector of Custodial Services in its submission to this Inquiry, as follows:

*For many Aboriginal communities their strong attachment to the land has led them to favour work camps as a preferential option for Aboriginal prisoners. Further, the types of skills that can be transferred through this type of work are in strong demand from many of the companies in the mining, construction, or pastoral sectors active in the regions where many Aboriginal people live. Unfortunately with a small number of work camps and only 112 places available, many prisoners miss out. This is particularly so in the central and southern areas of the state where there is only around one work camp place per 25 minimum-security rated prisoners (compared to one per five in the northern and eastern regions). Aboriginal prisoners are particularly disadvantaged in these southern work camps where most often, very few Aboriginal prisoners are found, with none at Pardelup, one at Walpole, and two at Kellerberrin as of 6 January 2010.<sup>257</sup>*

The Committee visited the Millstream work camp near Broome in the Pilbara. This work camp:

*Is dependent on the partnership with the Department of Environment and Conservation which is providing prisoners with the opportunity to work in the Millstream-Chichester National Park and gain useful work and life skills while continuing their close association with the land. Short courses delivered at Millstream include Chainsaw Operations & Maintenance, Skidsteer, Small-Engine Maintenance and Welding.<sup>258</sup>*

Although the Committee was particularly impressed with many of the initiatives being undertaken by Roebourne Regional Prison, the Millstream work camp proved to be a disappointment. While acknowledging the 100% Aboriginal participation rate, and the recreational, environmental, and tourism value of the work being undertaken, the Committee was immediately struck by the lack of resources in the camp. Also evident is an indicative failure to fully capitalise on existing sustainability opportunities. In addition, as elsewhere in DCS, there is a reliance on cast off plant, some in a poor state of repair, to support training initiatives.

Prisoners in the work camp advised that their working day ran from 7:30am to 12:00 noon. The few citrus trees in the work camp were dead and dying for the most part, yet water supply is not an issue. The very small vegetable garden was neglected. Although recognising that heat in the

<sup>256</sup> Office of the Inspector of Custodial Services, Report No 60, Office of the Inspector of Custodial Services, Perth, April 2009, pviii.

<sup>257</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p11.

<sup>258</sup> Mr Brian Wilson, Superintendent of Roebourne Regional Prison, 'Briefing paper to the Community Development and Justice Standing Committee,' 11 May 2010.

summer months is a debilitating factor restricting available work hours, based on what they saw, the Committee found it hard to believe that the work camp is inculcating skills, work ethic, or self reliance in its present form. The Committee's view was reinforced in a Hearing when work camps were discussed more generally:

*I remember speaking to one guy at Bungarun and asked, "How long have you been here; what are you doing here; how is it?" and all that sort of thing. He said, "It's really great. Sometimes I get into trouble with the missus and it's really good to have a bit of time here away from all of that. I stopped drinking. I feel better. I'm with a few nice guys. We go fishing." It almost becomes a lifestyle event. The chain of events or places that they go through ..... it is quite interesting that people offend, they go to prison, then they go to a work camp. They like the work camp because there is a lot more freedom; it is a nicer place to be. They know they are going to be working but the kind of work they do they seem quite comfortable with. They get some recreation time, which is really very nice for some of them, and they are away from some of the not-so-good parts of their "other" life. Classically, they will go back to this other life eventually and almost discard everything that has been given to them ..... This doesn't change people's behaviour. It's almost a sort of process that they go through. They just keep coming back. It is a revolving door.<sup>259</sup>*

One of the challenges faced by DCS is that of the distance from Roebourne. Another, when considering certificated training, is the lack of accommodation for any of the TAFE lecturers going out to the camp.<sup>260</sup> This is further compounded by prisoners who are out there being on relatively short sentences:

*The chances of having that group of prisoners there for an extended period of time is small, because generally there would be shorter sentences ....., so the short course would make sense with the group of people. But the purpose over and above is more open security, working with other prisoners, work ethic, working back with the land.<sup>261</sup>*

In responding to the Committee's expressed concerns, DCS highlighted that whereas facilities like DECCA had a "prime objective of training prisoners and finding them employment, particularly in the mining industry,"<sup>262</sup> work camps are about reparation for crimes and about maintaining community assets.

*A primary objective of all our work camps is to enhance community life and maintain community assets. There are objectives or outcomes, not just for the prisoners and the*

<sup>259</sup> Ms Helen Baron St-John, *Transcript of Evidence*, 19 May 2010, p7.

<sup>260</sup> Ms Christine Laird, Managing Director, Education and Vocational Training, Department of Corrective Services, *Transcript of Evidence*, 19 May 2010, p4.

<sup>261</sup> Ms Christine Laird, Managing Director, Education and Vocational Training, Department of Corrective Services, *Transcript of Evidence*, 19 May 2010, p4.

<sup>262</sup> Ms Kathleen Csaba, Manager, Prison Industries, Department of Corrective Services, *Transcript of Evidence*, 26 May 2010, p5.

*department, but for communities, which is one of the reasons the work camp has been so successful.*<sup>263</sup>

In 2008 an evaluation of work camps was undertaken which highlighted the difference between the subsequent recidivism rates of Aboriginal prisoners, who form the bulk of the work camp population in the North West, as against non-Aboriginal prisoners who form the majority of the work camp population in the southern regions; as the following table illustrates:

**Figure 6.1 Recidivism rates in all work camps**<sup>264</sup>

	<b>Recidivist</b>	<b>Non recidivist</b>	<b>Total</b>
Aboriginal	103	68	171
	60.2%	39.8%	100.00%
Non-Aboriginal	17	146	163
	10.4%	89.6%	100.00%
All prisoners	120	214	334
	35.9%	64.1%	100.00%

The reason put forward for the non-Aboriginal prisoners' lower rate of recidivism is their pre-imprisonment background.

*For prisoners from our southern work camps, if you like, that is Walpole and Kellerberrin, prisoners do come back, but very rarely. There are a lot of quantifiers and qualifiers you need to put around that because some of the prisoners coming into the southern work camps are already coming in with skills; and when they leave they are going back to the job they had previously. Whereas, unfortunately, for our Aboriginal prisoners that is not the case and they are often going back to communities that in many respects are dysfunctional or they are going back into the regional towns where, unfortunately, they get back into trouble and back into the system. That is an occurrence, unfortunately.*<sup>265</sup>

#### **Finding 14**

It is recognised that the northern work camps are not aimed necessarily at equipping prisoners for mainstream work places. However it is not clear that facilities such as Millstream are developing self reliance or skills that would be useful to the Aboriginal community subsequent to release.

<sup>263</sup> Ms Kathleen Csaba, Manager, Prison Industries, Department of Corrective Services, *Transcript of Evidence*, 26 May 2010, p7.

<sup>264</sup> Department of Corrective Services, *Outcome evaluation of the operation of work camps*, report prepared by Cant, R. et al., Social systems and evaluation, September 2008, p33- 34.

<sup>265</sup> Ms Kathleen Csaba, Manager, Prison Industries, Department of Corrective Services, *Transcript of Evidence*, 26 May 2010, p7.

**Recommendation**

While acknowledging the operational constraints that the Millstream work camp faces, the Committee questions whether it is inculcating much needed skills, work ethic, or self reliance in its present form. The Committee recommends that the operations of Millstream be reviewed with reference to work ethic, the self sustainability of the site and the long term outcomes for prisoners.





## CHAPTER 7 PRISON INDUSTRIES: THE CURRENT POSITION IN WESTERN AUSTRALIA

### 7.1 Overview

In recent months the Department of Corrective Services (DCS) has undertaken an extensive review of its offender employment strategies in Western Australia. This review, at the time of writing the report on this Inquiry, had not as yet become a public document; however the facts contained in this review do not differ markedly from those forming the basis of the Committee's report. DCS is currently giving consideration to the Review's findings and the subsequent recommendations.

Because the Review is still unpublished the Committee has resolved to treat it as an internal departmental document and has chosen not to comment on the recommendations. It does however commend DCS for its honest self appraisal and its willingness to further professionalise its approach to prison industries.

With an increasing prison population in an already congested environment, prison employment is a key component within the structured day framework for prisoners, as DCS seeks to keep them occupied. Prison industries are a significant mechanism for meaningful employment. Additionally, in line with DCS's self sustainability policy introduced in 2008, a significant priority of prison industries is the internal provision of goods and services more cost effectively than when supplied through an external provider. Inter alia the Sustainability Policy states that the Department will:

- *promote self-reliance to the Department through the use of internal resources to meet its own needs;*
- *enhance the organisational capacity to generate revenue or to produce goods and services for use within the corrections system; and*
- *prior to sourcing goods and services externally, must consider using the internal source of labour supply where practicable.<sup>266</sup>*

DCS advises that it is making significant savings via its self-sustainability activities, particularly in the areas of food production, clothing and textiles, maintenance and construction. In addition, other opportunities such as recycling in its various forms are in train or under development.<sup>267</sup>

*The focus on self sustainability will continue to grow as we make every effort to utilise the skills and experience of staff and offenders to meet the growing needs of the Department. Significant progress has been achieved during the past year with food production (market gardens, orchards, bakeries, dairy production and an abattoir) a key focus.*

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<sup>266</sup> Department of Corrective Services, *Sustainability Policy* 2010, p3-5.

<sup>267</sup> Department of Corrective Services, Internal Document, May 2010.

*Prison industries and offenders on community work orders manufacture goods used throughout the system - everything from furniture to prisoner clothing, printed material, corporate gifts and in some instances significant infrastructure, construction and maintenance.*

*The economic and social benefits of such activities are enormous, saving taxpayers' money, providing constructive activity and increasing the employment skills of offenders, as well as lifting self-esteem and teamwork.<sup>268</sup>*

However, such industries have grown up on a somewhat opportunistic and uncoordinated basis.

*In WA prisons, work opportunities are available in the following work settings: Prison Industries refers to a variety of dedicated work settings established within prisons. Currently, there are more than twenty different prison industries operating in prisons with several contributing substantially to the Department's self-sustainability through the internal supply of goods and services. This includes the production of meat, milk, eggs, fruit and vegetables, catering services, laundry, and textiles (prisoner clothing, shoes, linen, bedding). Other industries include metal fabrication, timber products, concrete products, hospitality and horticulture.<sup>269</sup>*

A full schedule of prison industries is included in Appendix Five.

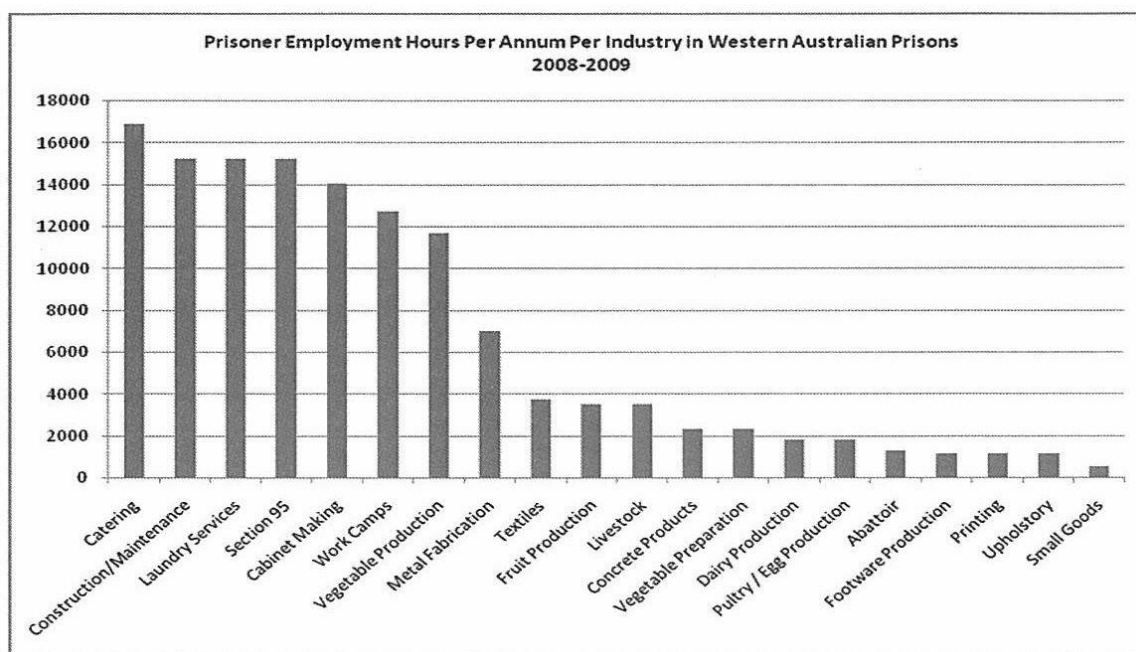
In total, the Adult Custodial Division of DCS estimates that Prison Industries contributes approximately \$16 million per annum by way of savings (product substitution) to the Department. In addition, external revenue of c. \$3 million per annum is generated by Prison Industries. The actual external revenue in 2008/09 was \$3.4 million.<sup>270</sup>

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<sup>268</sup> Department of Corrective Services, 2009 Annual Report, p6.

<sup>269</sup> Submission No. 15 from Department of Corrective Services, March 2010, p13.

<sup>270</sup> Graeme Doyle, Department of Corrective Services, Electronic Mail, 3 May 2010, p1.

**Figure 7.1 Prisoner Employment Hours per annum per Industry in Western Australian Prisons<sup>271</sup>****Finding 15**

In addition to providing meaningful employment, a significant priority of many prison industries around the world is the internal provision of goods and services which results in significant savings through self-sustainability activities.

**(a) Legislation**

Following the Report into the Management of Offenders in Custody and in the Community (the Mahoney Inquiry) the Department undertook an extensive review of its legislation and amendments were developed in two phases.

The first phase addressed some critical and pressing issues identified in the inquiry and allowed for the split in the Department of Justice, which was completed in April 2007.

In the second phase now underway, the Department of Corrective Services is drafting a Corrective Services Bill and will be seeking approval from the Minister of Corrective Services to give drafting instructions to Parliamentary Counsel with the intent of presenting it to Parliament in the

<sup>271</sup>

Table provided by Department of Corrective Services, May 2010.

Spring 2010 session. The Corrective Services Bill will amalgamate the *Prisons Act 1981* and the *Sentence Administration Act 2003* and complete the legislative changes recommended by Mahoney.

Once enacted, the *Corrective Services Bill* will provide for an integrated system for the management of convicted offenders who are in the community under supervision, or in prison. It will repeal previous legislation relating to prisons, sentence administration and release from prison. The Bill specifies the purpose and principles to guide the administration of the Act, introduces changes to the process of prisoner discipline and provides for prison officers to become employees of the Commissioner of Corrective Services rather than the Minister. It also introduces a range of administrative amendments that are largely concerned with improving prison operations.<sup>272</sup>

These include:

- *The Department proposes, by way of provision in the Corrective Services Bill 2009 and consequential amendments to other legislation, to pursue business opportunities now and in the future that provide meaningful work for prisoners.*
- *The Department proposes to operate prison industries as a business and enter into arrangements with firms or individuals in the conduct of any business providing labour, services, products or produce to the private sector or the community.*<sup>273</sup>

The reason for the specific inclusion of these clauses is:

- *Section 4(2) of the State Trading Concerns Act prohibits any trading concern being carried on by the Government of the State with a view to making a profit, unless expressly authorised by Parliament.*<sup>274</sup>

The inclusion of these clauses therefore regularises a de facto reality. They are being made after consulting with the Department of Treasury and Finance who are reported to have no objection to the inclusion of such clauses.

#### **Finding 16**

The *State Trading Concerns Act 1916* limits the capacity of the Department of Corrective Services to operate cash flow positive business enterprises. The proposed provisions in the *Corrective Services Bill* will remedy the issue and regularise the existing de facto reality.

<sup>272</sup> Dominish, A., Department of Corrective Services, Electronic Mail, 7 May 2010, p1.

<sup>273</sup> Submission No. 14 from Department of Corrective Services, March 2010, p47.

<sup>274</sup> Submission No. 14 from Department of Corrective Services, March 2010, p47.

**Recommendation**

The Committee recommends that the proposed provisions in the Corrective Services Bill, allowing DCS to pursue commercially competitive business opportunities to provide meaningful work for prisoners, be included in the proposed legislation. This will regularise existing operations and support the extension of prison industries on a sound financial footing in the future.

**(b) Budgetary issues**

The five divisions of DCS have their own budgets. The prison industries/employment budget currently sits as a line item in the Adult Custodial budget and can therefore be used to support the Adult Custodial budget. This is not the case for the Education and Vocational Training Unit (EVTU) which has its own budget.

Existing accounting processes and management information systems for prison industries are demonstrably inadequate. There is not a culture of financial accountability with an adherence to specific financial performance metrics for prison industries:

*Whilst financial reporting systems do exist, prisons do not run trading accounts and the current lack of formal cost accounting systems does not allow a clear picture of industries performance to be readily accessed. As mentioned above, Bunbury Regional Prison does capture and report on some useful financial information, as do other sites. However, there is no systematic, standardised capture and reporting at this stage.*

*Profit and loss statements and balance sheets are not prepared for each prison or sub sections of prisons, such as industries. The equivalent of the profit and loss view is the performance report which discloses actual versus budget. These are generally available at the whole of facility level, although, depending on the degree to which each facility uses key function codes, a further breakdown may be available. A Balance Sheet Statement is completed annually for the Department as a whole as part of the suite of financial reports provided to Government.*

*External revenue is generated mainly through private contracts or requests. The Prison Industries Catalogue (PIC) system records all internal produce (such as farming, dairy, meat etc) for internal consumption. The PIC system also records the manufacturing and/or repairing of goods and services (for example manufacturing, prison maintenance etc).*

*The information provided is fairly rudimentary in that it does not include total operational costs such as labour (VSOs and prisoner labour costs), depreciation or overheads such as power, gas, etc. Improved costing mechanisms are needed to track industries' performance, overall taxpayers' offset from service activities and true net profits.*

*There are however, opportunities which may improve the current method of recording prison industry income and expenditure. Major prisons and prison farms are producing*

*goods for consumption/use by other prisons. Producing prisons do not currently charge "customer" prisons for these goods. If this were to change it would require a reallocation of budgets amongst prisons.*<sup>275</sup>

The inadequacy of current accounting practices was further confirmed in the following advice:

*The reporting/coding structure of Adult Custodial does not generate an overall cost of Prison Industries. Industries costs are integrated into the overall cost structure of individual prisons and although certain expenditure categories can be easily extracted (such as Prisoner Gratuities, Industry Supplies expenditure, and revenue from the external sale of Industry goods) other cost categories are not easily extracted.*<sup>276</sup>

The Committee is advised that DCS is currently reviewing internal reporting structures in an attempt to identify and quantify the value of the work undertaken by Prison Industries (both internal and external) and the related expenditures.<sup>277</sup>

#### **Finding 17**

Currently operating autonomously, individual prison facilities lack a management information system that monitors cost effectiveness in prison industries. There is no activity-based cost accounting system for prison industries. This has resulted in a lack of financial transparency and precludes any possibility of a cost benefit or a cost effectiveness analysis of any given industry's performance.

#### **Recommendation**

Given the lack of information on costs along with resource utilisation in Prison Industries, the Committee supports the current review being undertaken by DCS of its internal reporting structures in an attempt to identify and quantify the value of the work undertaken by Prison Industries.

In doing so it strongly recommends that, to improve the quality of outcomes achieved, a high priority be placed on the development of a management information system. This will provide a full and transparent accounting of all prison industries to support increased productivity, the allocation of scarce resources, and the systemic reform advocated in later recommendations in this report.

<sup>275</sup> Unpublished paper provided by Department of Corrective Services.

<sup>276</sup> Mr Ian Giles, Department of Corrective Services, Correspondence, 12 May 2010.

<sup>277</sup> Mr Ian Giles, Department of Corrective Services, Correspondence, 12 May 2010.

**(c) Current governance structure**

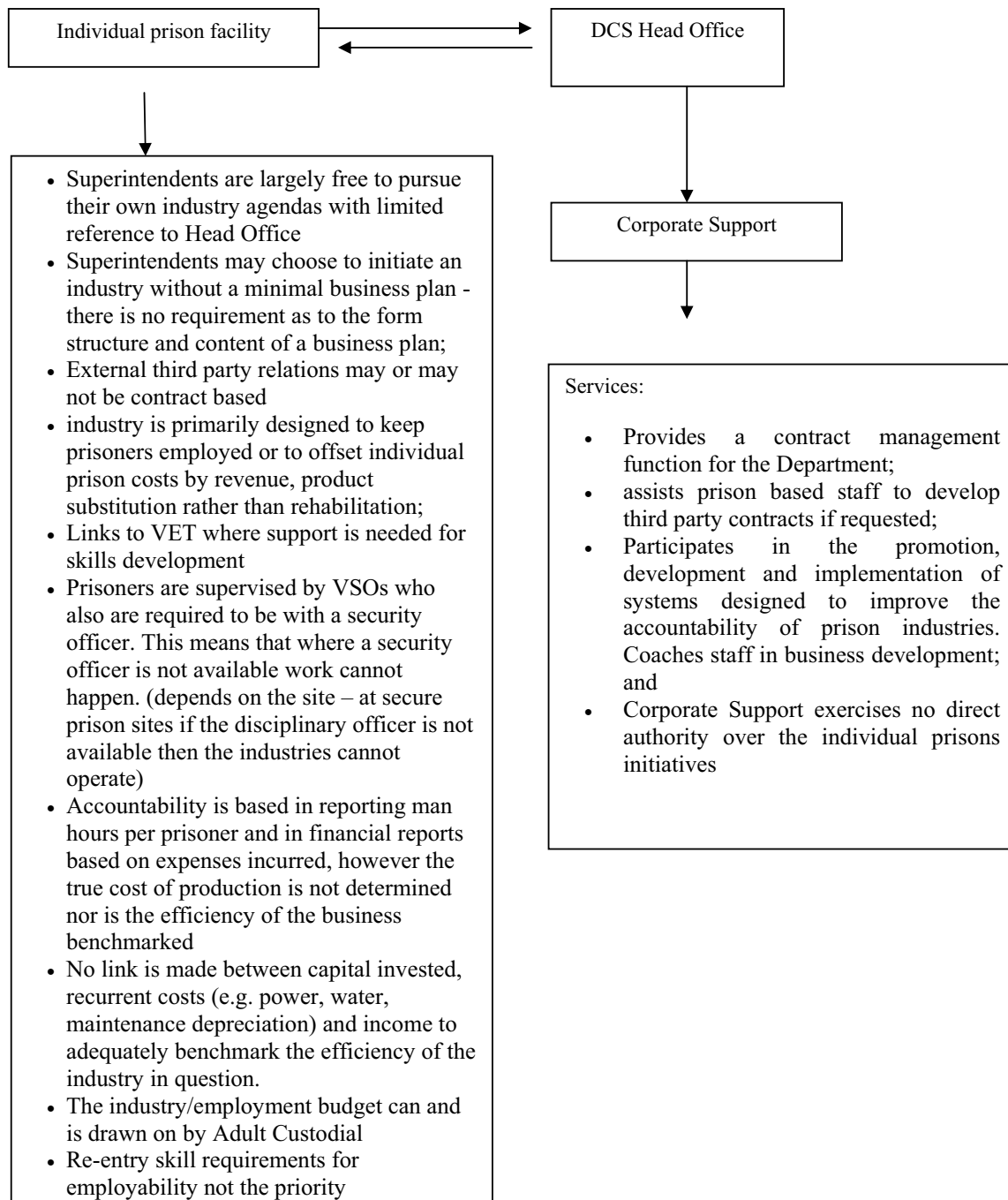
Evidence presented to the Committee highlighted the lack of a whole of agency approach to prison employment and prison industries. Rather there exists a decentralised approach to the governance of employment and industry strategies, with no clear strategic integrative framework:

*In WA, the industries in each prison have tended to very much depend on the local management, so the initiative at the level of the superintendent or the industries manager is very much dictated what has happened prison by prison. Bunbury has always had a very viable woodworking workshop where they have produced furniture, and Wooroloo is similar. Greenough for a while was making craypots for local industry, and so on and so forth. What we have never had in Western Australia is a system-wide plan or blueprint for prison industries, where across the state there might be some sort of integrated contract to, say, produce furniture for government or something of that ilk. I think that is partly the issue for Western Australia, that it has been very piecemeal. It has been prison by prison, contract by contract, and as they have fallen over, it has been sort of hand to mouth to try to put together a contiguous business model. I think that is part of the problem we have in this state.<sup>278</sup>*

This decentralised operational schema for prison industries prevailing until the end of 2009 is outlined below:

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<sup>278</sup> Mr Barry John Cram, Deputy Inspector of Custodial Services, Office of the Inspector of Custodial Services, *Transcript of Evidence*, 20 April 2010, p5.

**Figure 7.2 Western Australia prison industry operating schema**



Following the completion of an internal review by DCS of its offender employment strategies in Western Australia it is understood that the existing governance model is under review. In early 2010, DCS established an Adult Offender Employment Board to address some of the identified shortcomings in the oversight and development of prison industries. The Terms of Reference and Charter for the Adult Offender Employment Board are outlined in Appendix Six.

The existing decentralised model is not without its advantages as evidenced in Roebourne Regional Prison's employment strategies outlined in the previous chapter and in the following excerpt from the Office of the Inspector of Custodial Services' Report of an Inspection of Wooroloo Prison Farm:

*Contributing to the excellent industries model at Wooroloo is the high level of autonomy given to the Vocational Support Officers (VSOs) that manage each prison industry portfolio. Each industries manager was responsible for creating a business plan for their industry that includes a budget submission and measurable performance targets. The performance measures that are included in each plan encompass customer satisfaction, quality control, output, traineeship participation and records of employment. VSOs manage their industry to that plan, interacting and informing management but not having to seek consent for routine decisions within the work area. The success of this approach was reflected in the high levels of private contracts generated through industries, the excellent levels of productivity and profits generated. ... this model provides an excellent example for other prisons that should be applied elsewhere throughout the system.<sup>279</sup>*

While acknowledging that an autonomous model holds some benefits, both DCS's internal review and the Committee's inquiry lent weight to the view that the deficits in the existing model far outweigh the benefits. These deficits include:

- a lack of an existing full cost accounting basis of reporting, including basic systems and reporting processes;
- a lack of standardised reporting, supporting ongoing review and informed decision making;
- there is no clear framework that drives a decision over which industries should be developed, expanded or supported. Therefore there is inadequate weighting in respect to the factors needed to make that decision. for instance:
  - i) Does it lead to future employability?
  - ii) What skill level is required vis a vis the resident skills of the population of the facility?
  - iii) What are the DCS system needs?
  - iv) What are the community needs?
  - v) What are the training opportunities?
  - vi) Qualitative/quantitative assessment or evaluation including post release.

<sup>279</sup> Office of the Inspector of Custodial Services, Report of an Inspection of Wooroloo Prison Farm Report No. 39 (January 2007) p 29.

A move towards a greater centralisation of the management of prison industries would better support:

- economies of scale;
- creation of strategic partnerships;
- improved evaluation;
- enhanced financial management; and
- the contract process for prison industries, including the development of business initiatives and review of contracts.

#### **Finding 18**

The Western Australian governance model for employment and industry strategies has marked operational deficiencies that are better addressed in a centralised approach which would better support:

- economies of scale;
- creation of strategic partnerships;
- improved evaluation;
- enhanced financial management; and
- the contract process for prison industries, including the development of business initiatives and review of contracts.

#### **(d) Overcrowding and the need for new facilities**

As noted previously, prison industries make a significant contribution to DCS's bottom line in terms of self sustainability and net profitability. However the availability of employment positions is limited and the Committee was told that a significant expansion of facilities would be needed to meet unsatisfied demand for employment.<sup>280</sup>

The challenge DCS currently faces is that with increased overcrowding, the number of hours spent in employment per capita is impacting negatively on opportunities for work within WA prisons.

*Excessively high muster Current large (4,879 at 18 February 2010) and growing musters (annual growth rate currently 19.3% a year) lead to prison overcrowding with accommodation needs being the necessary focus rather than work opportunities which are lagging behind accommodation. Indeed the Department of Corrective Services 2008/09 Annual Report states the growing muster has led to "an impaired ability to deliver programs and services to support re-entry to the community, resulting in increased time in prison and consequently increased pressure on capacity."*

*Partly because of the increasing musters, a structured day is not in place in all prisons (where prisoners must either work or study to receive gratuities). This naturally reduces opportunities for work. Additionally, structured days must have meaningful work to be*

<sup>280</sup>

Briefing at Bandyup Women's Prison on 27 April 2010.

*useful. It is of little use to provide menial or limited/non-productive work which can teach bad work ethics.*

*Because of the high muster and overcrowding and the consequential lagging behind of work, rehabilitation and education opportunities, prisoners have more “idle” time with the associated risk of trouble from prisoners with nothing to do. To quote the Department of Corrective Services 2008/09 Annual Report overcrowding leads to “increased tension within the prisoner population which potentially impacts on the safety and security of the community and staff as well as prisoners.”<sup>281</sup>*

Overcrowding not only leads to underemployment and singular cost inefficiencies but can also lead to internal friction:

*Overcrowding typically leads to under employment ... whereby multiple prisoners are assigned a task normally completed by an individual. In these circumstances prisoners are working inefficiently but are still rewarded at the same level. This can cause friction with those prisoners who are not under-employed. When multiple prisoners are doing the work of one prisoner, no more work is being done but the cost is multiplied. This is inefficient and counter productive for both prisoner and the community. To exemplify this point, this Office reviewed the employment across Casuarina, Hakea and Greenough prisons. Together these three prisons employed nearly 500 unit workers and cleaners. Unit work is typically menial and is notorious for requiring little effort from prisoners. Unit workers and cleaners accounted for almost 30% of all prisoners in these prisons and received around one million dollars in gratuities per year. Some units had nearly 30 prisoners assigned to cleaning and unit based work and over half of Greenough's workforce was employed in these tasks. With such high numbers doing minimal work, the reported average hours worked per day in these prisons (and by extension, all prisons) appear highly inflated. Under employment enables the Department to present employment rates of around 80% of eligible prisoners, where in reality there are probably only jobs for 50% of eligible prisoners, or 40% of the total prisoner population. In addition, a quick estimate by this Office calculated that between them, these three prisons spend in excess of three times what would reasonably be expected to cost for prisoners to work in units and clean the prison. With the whole prison system providing in excess of two million dollars to underemployed unit workers and cleaners each year.<sup>282</sup>*

### **Finding 19**

The current high muster is reducing access to employment in prison industries and is leading to cost inefficiencies, underemployment and tension between prisoners.

<sup>281</sup> Submission No. 12 from Outcare Inc, March 2010, p9.

<sup>282</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p7.

**Recommendation**

The Committee recommends that consideration be given to the adoption of more flexible work practices, including the introduction of shifts and/or operating at the weekends thereby maximising the use of prison facilities. The Committee considers that productivity increases will offset the increased costs incurred.

**(e) Workplace culture**

Every workplace has a workplace culture. It is a reflection of the dynamics, regulations and personalities of the workplace. Workplace culture affects both the learning environment and workplace attitudes.

In prisons workplace culture is governed by several distinctive factors, most notably:

1. the constraints imposed by the environment; and
2. the low levels of reward.

**(i) The limitations on workplace culture caused by the structured prison day**

The *structured day*, sometimes called the *constructive day* is a key concept to understanding how prisons run. According to this concept, each prison runs to a timetable that is meant to resemble the normal community routines of a five day working week and a weekend timetable or regime that incorporates more free time with some optional activities such as sports. However, the requirements of prison routine impact the ideal to a very significant degree with a consequential effect on productivity.

In part this is due to the way that prisons roster most custodial staff around one 12 hour shift, followed by a night-shift with greatly reduced staffing levels. This means that all the activities that involve prisoners occur within this 12 hour day which, in addition to work may include:

- the time taken to unlock prisoners and, in some prisons the time allowed for them to access showers;
- the time taken for various meal breaks;
- the time taken out of the working day for prisoner counts (five times in a day in some maximum-security prisons);
- the time taken for medical or dental appointments during the working day;
- the time out of work to undertake education or programs addressing offending behaviours;
- the time taken for family visits;
- the time taken for dispensing medication, often prisoners being required to attend the medical centre;

- the time taken for free time for exercise and telephoning family;
- the time taken for official visits by lawyers or police;
- the time taken for court appearances;
- the time taken for staff training - at some prisons, prisoners are locked in their cells (and therefore unable to work) for one morning each week; and
- the time taken for evening lock-up.

The available work day is substantially eroded by these operational imperatives. It is also common for workplaces (other than kitchens and laundries) to be closed in the event of a Vocational Support Officer (VSO) absence due to sickness.<sup>283</sup>

### (ii) Gratuities

As outlined in previous chapters, the remuneration paid to prisoners is known as a gratuity and is not reflective of normal wages applying outside the prison envelope. Some areas of prison work such as work camps are incentivised, with increased gratuities being paid on the basis that prisoners “understand clearly that a full day's work is an integral part of work camp life.”<sup>284</sup> The amounts paid are small and are based on skills and expertise within a narrow banding. For budgetary and other reasons they are relatively inflexible.

*The integration of higher gratuities with skilled work and training is a positive step toward inculcating workplace cultures. However, the number of positions that attract higher-level gratuities within each prison is set by Head Office policy and this does not necessarily match the level of skilled work to be performed at particular prisons. A policy that provides greater flexibility in allocating higher gratuities may well encourage better workplace cultures in prisons.*<sup>285</sup>

The amount paid as a gratuity is as follows:

**Figure 7.3 Gratuity rates**<sup>286</sup>

<b>Pay rates per day</b>	\$8.44	\$6.46	\$5.07	\$3.59	\$2.66	\$11.29	\$0.00
<b>Pay rates per week</b>	\$59.08	\$45.22	\$35.49	\$25.13	\$18.62	\$79.03	\$0.00
<b>Work category</b>	Level 1	Level 2	Level 3	Level 4	Level 5	Level 23 <sup>287</sup>	Level 6

<sup>283</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p13.

<sup>284</sup> Department of Corrective Services Internal Document May 2010.

<sup>285</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p7.

<sup>286</sup> Mr Ian Giles, Deputy Commissioner Adult Custodial, Correspondence, 12 May 2010.

<sup>287</sup> Level 23 is a new level of gratuity introduced in 2009. It applies exclusively to work camp prisoners and acts as an incentive. Prisoners must volunteer to go to a work camp and so this highest level of gratuity is designed to give them an incentive to be there.

Aboriginals as general population in prison are disadvantaged through their background and the incentivisation by way of gratuities is correspondingly lower.

*In most prisons, Aboriginal prisoners are generally found in the lowest skilled jobs and in the lowest level of incentive accommodation. Targeted and effective incentives to these prisoners are necessary to assist them to move into positions requiring the acquisition of higher-level skills.*<sup>288</sup>

As the Inspector of Custodial Services highlighted in his submission, the development of a workplace culture that will reflect the conditions prisoners will find in the outside world is dependent on a re-prioritisation of objectives for prison employment and industry strategies:

*The policy on prison industries pulls together all of the objectives to be "pursued with equal weighting". A stronger focus upon acquiring employment skills rather than just finding jobs to keep prisoners occupied and receiving a gratuity would also go some way to developing workplace cultures.*<sup>289</sup>

### **Recommendation**

The Committee recommends that the Department of Corrective Services ensures that work areas including workshops, essential services and outside community projects reflect contemporary industrial practice both in technology and work practices, delivering a stronger focus on acquiring post release employment skills rather than just finding jobs to keep prisoners occupied.

## **7.2 Computer access and IT skills**

Having seen the way in which computer technology is used in Changi, the Committee was struck by the restrictive approach taken in the use of computers in Western Australia. There are few jobs today for which computer skills are not important and if DCS is to offer inmates contemporary transportable skills, the acquisition of computer skills is fundamental.

Despite the need for computer skills in today's world prisoners are released with an inadequate level of experience:

*Outcare reception staff say many ex-offenders come to Outcare unannounced asking for assistance with basic computing issues. These include writing documents, printing,*

<sup>288</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p8.

<sup>289</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p8.

*emailing and the like. They don't appear to have been given this basic knowledge when incarcerated.*<sup>290</sup>

Multi media based prison industries such as witnessed in Changi, would not be practical in the current prison environment. In 2009 the Commissioner, Department of Corrective Services, approved changes to Policy Directive 2 regarding prisoner personal computers. The security issues and cost were seen to be too great and so Adult Custodial Services were given 12 months to affect a slow withdrawal of the computers. The impact is that now prisoners are relying on using education centre computers. This limits access severely and disadvantages those doing tertiary studies. The budget has not increased to enable more computers in education centres and in fact it is an area that has had less funds because of the efficiency dividend.<sup>291</sup>

The prevailing situation was well illustrated in the Committee's visit to Bandyup Women's Prison where the Committee was advised that there is a long waiting list to get into IT courses; of up to six months. This is compounded by a lack of computers generally. There are in fact only sixteen computers including ten in a 'private use' (meaning TAFE) training room, for which there is only one printer, which is not networked, and is connected to one stand alone computer. Prisoners at Bandyup have already had their computers removed and are no longer allowed USBs. Lectures for some university courses last the full allocated study session which means that effectively one computer may be tied up for a student prisoner to simply download and listen to a tutorial. Others doing certificated courses can wait days to access computers.

The Committee recognises the need to restrict prisoner access to the internet; but, if we are to offer contemporary skills that are so fundamental to our society in the twenty-first century, it is considered that more extensive use could be made of the offline or intranet environment. The Committee also believes that there should be an ability to access the many hundreds of second hand government computers replaced every year, once their hard drives have been cleaned. This would provide a far greater level of secure computer access to inmates at little or no cost to DCS.

It is also considered that a computer literate and trained prisoner population will positively affect the recidivism rate:

*Basic literacy, numeracy and computer skills, and life skills training will reduce the current 40% recidivism rate so it will more than pay for itself.*<sup>292</sup>

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<sup>290</sup> Submission No. 12 from Outcare Inc., March 2010, p18.

<sup>291</sup> Christine Laird, Managing Director, Education and Vocational Training Unit, Department of Corrective Services, electronic mail 20 April 2010.

<sup>292</sup> Submission No. 12 from Outcare Inc., March 2010, p22.

**Recommendation**

The Department of Corrective Services (DCS) needs to do more to recognise the centrality of IT skills in the modern delivery of education and in the workplace and provide more capacity to acquire some basic skills for prisoners.

The Committee recommends that DCS equipment needs in this regards could be met by diverting superceded government computers, to DCS.

**7.3 Visual arts and music**

In visiting prison facilities in Western Australia and Singapore, the Committee was struck by the artistic and musical talent locked away behind bars. However in Western Australia there were few clear pathways provided to employment though such mediums.

By contrast, under the slogan ‘With rehabilitation, doing time is not a waste of time’, in Singapore SCORE engages and develops such creative talent through:

- training talent to a level where a teachers qualification can be secured (diploma or Bachelor of Arts);
- encouraging participation in a prison orchestra; and
- employment in a high tech. initiative, SCORE Digital Media. (SDM).



SDM is a multimedia design and communications business unit within the Singapore Corporation of Rehabilitative Enterprises. Engaging prisoners within Changi it provides professional solutions to government and private enterprises alike, for web, print and video needs.

This is an initiative that sets out to develop a broad range of commercially relevant multimedia production skills in participating offenders. They are taught to apply their talent to modelling and animation, the development of appropriate skills with multimedia software and prototype development.



It is clear that in Western Australia there is a similar need for a degree of entrepreneurship that will allow latent and existing skills to be channeled in line with the broader market place. Such an approach would capitalise on both the therapeutic and the economic dimensions of the training currently provided in visual arts and music.

**Recommendation**

The Committee recommends that serious consideration be given to the development of art, music, and digital media as areas of prison enterprise that can enhance post release opportunities.



## **CHAPTER 8 PRISON INDUSTRY STRATEGIES IN OTHER JURISDICTIONS**

In the course of its Inquiry, the Committee reviewed several models for prison industries in other states and overseas, and in March 2010 visited Singapore to look at the operation of prison industries in that country. In considering alternative models to that currently prevailing in Western Australia, the Committee acknowledges that prison industries on their own do not form a panacea to recidivism rates. However, it believes that, in parallel with improvements to existing strategies, a revised approach to the operation of prison industries would make a significantly stronger contribution to both the recidivism rate and DCS's financial, social and environmental bottom lines. These parallel strategies will form the substance of the final report.

Internationally there are three primary models for the operation of prison industries. A decentralised model as is used in Western Australia where Prison Superintendents have virtual autonomy in industry operation. In New South Wales a centralised model is in force with industry directed by Corrective Services Industries reporting to Corrective Services NSW. In Singapore, employment training and industries, together with re-entry strategies, have been disaggregated from the Singapore Prison Service.

The approach taken for employment/training and reintegration initiatives in corrective services around the world is essentially a variation of one of these three models.

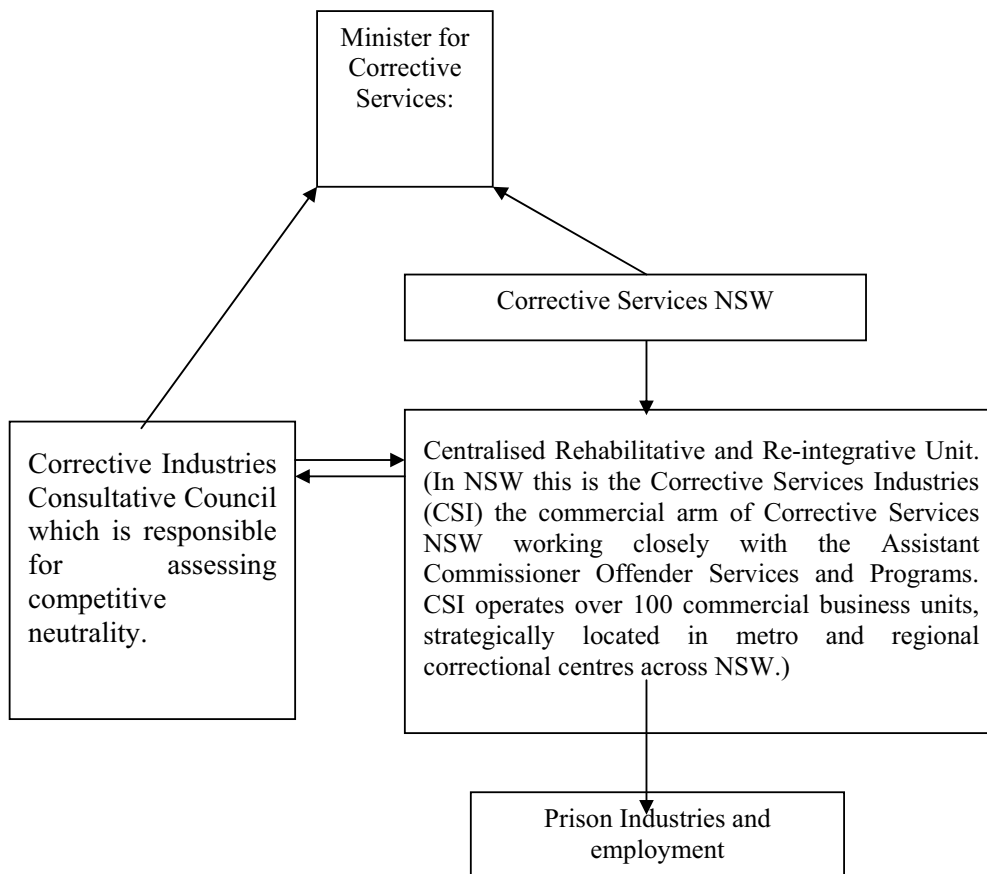
### **8.1 New South Wales(NSW): an autonomous centralised approach**

#### **(a) NSW - governance**

The provision of rehabilitation and re-integration services is the responsibility of the Assistant Commissioner, Offender Services and Programs, Corrective Services NSW. Reporting to that position is a centralised, semi autonomous unit, namely Corrective Services Industries (CSI). This is the industry arm of Corrective Services NSW which has adopted a strong, but not exclusively, commercial approach to its operations. It is supported by a reference group, known as the Corrective Industries Consultative Council, which reviews the scope and commerciality of the activities of CSI. This Council reports to the minister and includes representatives from:

- two unions groups;
- industry groups;
- Corrective Services NSW;
- the community; and
- CSI

The governance structure of CSI is outlined below:

**Figure 8.1 The governance structure of Corrective Services Industries in New South Wales**

By contrast with WA's model, CSI reflects a centralised departmental approach that provides operational control, expertise, technical assistance, planning and communications to support the development of prison industry and training strategies at a local level. There is arguably better governance because of the depth of expertise lodged in the centralised unit. No prison industry in NSW commences without its sign off on a business case.

## **(b) Operations**

In the case of NSW, the education strategies and treatment programs do not form part of Corrective Services Industries' remit; however CSI works closely with the Assistant Commissioner, Offender Services and Programs to support the integration of other Departmental prisoner rehabilitation initiatives at an operational level. For example, CSI provides traineeships in conjunction with TAFE and the Corrective Service's own Registered Training Organisation. In addition they operate a number of loss making industries which provide meaningful employment in several facilities.<sup>293</sup>

The demographic profile of employed prisoners reflects the demographic profile of the broader prison population with 28% being Aboriginal. The commercial philosophy does not inhibit Aboriginal employment and training.

CSI's philosophy is based on providing prisoners with an experience of the real life working environment:

*Emphasis is placed on quality endorsement to ISO 9001-2000 and CSI is well branded and promoted. This commercial drive is mitigated by an extensive and well-promoted Work Readiness program. CSI covers a broad range of industries, including building products, printing services, textiles, packaging and assembly, food services, metal products, outdoor furniture and so on. It guarantees the supply of its products and services to quality accredited specifications.*<sup>294</sup>

As the nature of the industries reflects those in the broader community, prisoners are able to transition, in many cases, from their work in the prison to a similar role once released. In fact in some instances they are recruited by private operators while still serving their term.<sup>295</sup>

## **(c) Commercially competitive**

CSI's prison industries are unashamedly commercially competitive. The degree to which any one individual industry is so, is tempered by the Corrective Industries Consultative Council which reviews every business case. Commercially competitive initiatives are only supported when it is considered that:

- the product replaces imports; or
- in industries where labour is scarce; or
- for the self sufficiency of prison facilities.<sup>296</sup>

<sup>293</sup> Telephone briefing by Mr Steve Thorpe and Ms Rhonda Booby, Corrective Services Industries New South Wales, 20 May 2010.

<sup>294</sup> Department of Corrective Services, Internal Document, May 2010 p74.

<sup>295</sup> Telephone briefing by Mr Steve Thorpe and Ms Rhonda Booby, Corrective Services Industries New South Wales, 20 May 2010.

Specific examples of CSI's enterprises detailed to the Committee are:

1. CSI provides the factory space, machinery and labour for the manufacture and supply of curtains. Bruck Factory Outlets supply the management, raw materials, marketing and sales of the product which is sold through Spotlight. The product is seen as an import replacement commodity.
2. CSI six months ago commenced building transportable homes for remote communities. This is a federally funded initiative. With an initial production of five units p.a. rising to twelve units p.a. the prisoners working on these units will learn the skills that can be used in their communities to maintain the condition of the homes. In this way, even though employment opportunities may be limited in those communities, the skills gained are transferable and applicable within the offender's community.

#### **Finding 20**

Corrective Services Industries, the industry arm of Corrective Services NSW, operates a successful, commercially aggressive, business strategy within defined parameters which enables it to make significant financial contributions to the Corrective Services NSW budget and to find and provide meaningful work opportunities.

#### **(d) Finances**

CSI was established in 1990 with a \$2 million advance by the NSW state government. The loan was repaid at a commercial rate of interest well within the required term out of the cash flow generated by its activities. CSI now has a current turnover stated as being \$60 million p.a. and a net profit of \$8 million after paying \$8.5 million in staffing costs.

In previous years CSI was permitted to retain earnings to expand capacity and undertake the replacement of operating plant and machinery. However the net profit is now paid to Corrective Services NSW. A business case has to be separately approved before any additional capital expenditure is undertaken.

Inmates are paid a gratuity that can fall within the \$60 - \$70 p.w. range, making it the highest gratuity paid to prisoners in Australia.

Productivity remains low with an average working day being 4-5 hours although a 6 hour day is the target. Should prisoners be enrolled in a treatment program during the course of a working day, as many are, their absence is not reflected in their remuneration.

<sup>296</sup>

Telephone briefing by Mr Steve Thorpe and Ms Rhonda Booby, Corrective Services Industries New South Wales, 20 May 2010.

Clearly this work is real and stands in contrast to the many prisoners in Western Australia who are notionally assigned cleaning duties.

CSI is staffed solely by Industrial Officers, who run the workshops and provide training to prisoners. They are also responsible for discipline within the workshop.<sup>297</sup>

*All Industrial Officers in NSW interviewed indicated that they were comfortable with the arrangement and held the view that prisoners were kept busy with their work and that the workshop was consequently the least likely place for any trouble to occur.*<sup>298</sup>

### **(e) Reentry**

Because of the relevance of work skills gained while in prison, ex-offenders can often gain employment in the business sector in which they were working in prison. CSI places a high priority on creating industry and agency linkages that can result in real employment opportunities. In one initiative, CSI is formally encouraging industry in its contractual obligations to CSI to employ a certain number of workers upon their exit from prison.

Additionally, CSI looks to support prisoners upon release. It does this through the creation of post release linkages with outside organisations such as Centrelink and the State Housing Department.

### **(f) Evaluation**

In common with other jurisdictions that the Committee considered, there is a dearth of hard data in NSW on prisoners in employment post release. CSI is hoping to address this deficit in a study in partnership with two universities.

## **8.2 Singapore**

Singapore has developed a model that gives primacy to the reintegration of prisoners into society even as the reality that prison is punishment is maintained. This model engages both the private sector and the community in the process. This strong rehabilitative focus arose out of a visioning exercise in 1999/2000 which recast prison guards into *Captains of Lives* with the mentoring of prisoners as a key responsibility. It also gave birth to the creation of a community re-education initiative promoting the value of rehabilitation.

This re-education initiative has its most public face through the high profile Yellow Ribbon Project, run by the Yellow Ribbon Fund, a registered charity. This charity supported by political and industrial leaders promotes a more accepting and inclusive society which gives ex-prisoners a second chance to “make good.” It does this through a range of large and small scale initiatives that will be considered in the final report. This initiative has attracted wide community support with

<sup>297</sup> Telephone briefing by Mr Steve Thorpe and Ms Rhonda Booby, Corrective Services Industries New South Wales, 20 May 2010.

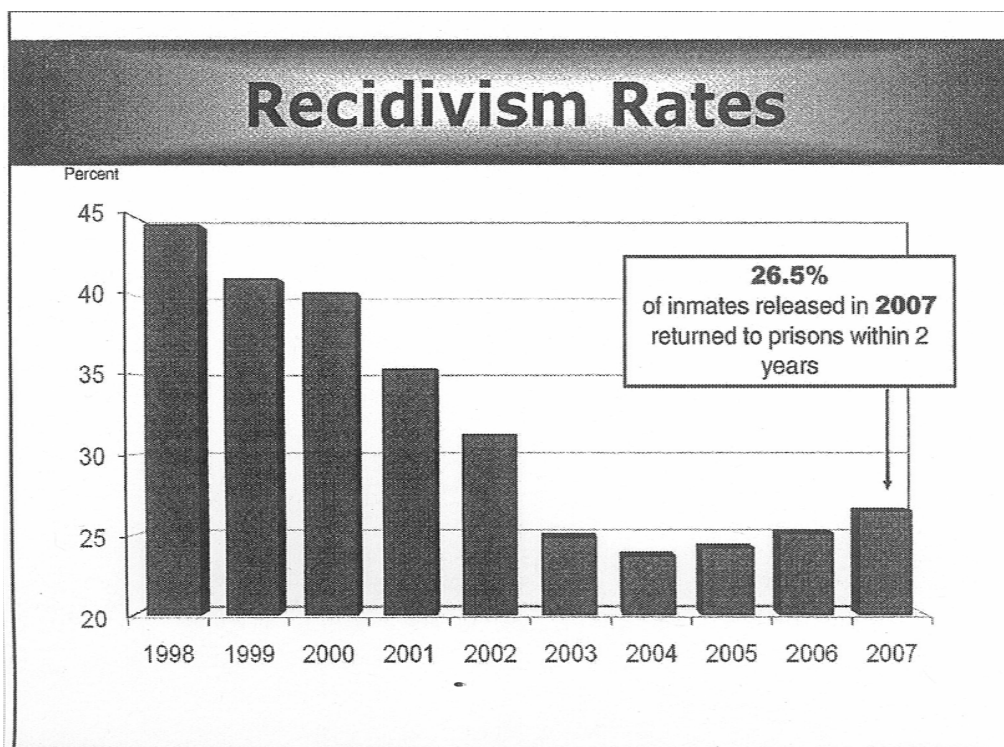
<sup>298</sup> Telephone briefing by Mr Steve Thorpe and Ms Rhonda Booby, Corrective Services Industries New South Wales, 20 May 2010.

1.6 million people, or 25% of the population, wearing a yellow ribbon and or participating in fundraising events.

Initiatives such as these run in parallel with the prison industries and training activities of the Singapore Corporation of Rehabilitative Enterprises (SCORE).

*SCORE was established in the 1970s when it was recognised that leaving rehabilitation entirely to civil servants and prison officers effectively excluded the important experience of the private sector. SCORE is a statutory body that brings together the skills from both the public and the private sector.<sup>299</sup>*

Since the year 2000, whether causally related or correlated to the changing approach, a significant decline in the recidivism rate has occurred.



This drop in recidivism rates has been matched by a decline in the overall prison population over the same period from 18,253 in 2002 to 12,925 in 2009.

<sup>299</sup>

Telephone briefing by Mr Kong Mun Kwong Chair of SCORE 3 June 2010.



**Finding 21**

Concurrent with a significant strategic and attitudinal change in approach to rehabilitation in Singapore, driven by the Ministry of Home Affairs, SPS and Score, there has been a 29% decline in the prison muster matched by a 41% decline in recidivism rates.

SPS operates a prisons school which manages the mainstream education such as the GCE Cambridge "N", "O" and "A" levels. SCORE on the other hand prepares inmates for work. For this they extend opportunities to be trained in both generic and vocational skills training to inmates inside prison. Selected employers are invited to conduct interviews inside prison, to help inmates secure jobs before they are released. The jobs offered by these employers are matched to the type of training inmates have attended. This is integrated with SPS's operation of a broad range of commercially competitive prison industries as discussed below.

In addition SCORE is heavily involved with post release employment and, as part of a post release employment strategy, SCORE operates a job bank with some 2,118 employers on board who have indicated that they would employ ex-prisoners. It also makes use of an online job portal to facilitate the job matching of offenders with potential employers in its job bank.

SCORE constantly reviews and positions its industries and trainings to match the ever-changing market demands. Matching skills training with each inmate's changing education profile is an ongoing challenge. This is resolved partially through the subcontracting of production from many local, small and medium enterprises (SMEs). This is a mutually beneficial arrangement. Through subcontracting work, the offender's skills are kept relevant and there is also a steady stream of business contracts for SCORE. For the SMEs, they are able to lower their costs of production by outsourcing their most labour-intensive production processes to SCORE.

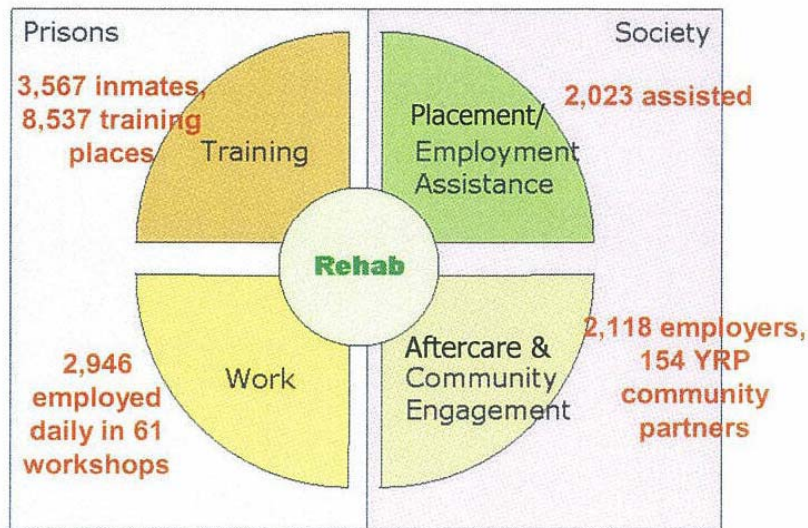
**(a) Governance**

In the Singapore model, SCORE is essentially a quasi-autonomous non-governmental organisation (quango) reporting directly to the Minister of Home Affairs. Audited financial statements are presented to Parliament and are released to the public.

The Singapore Prison Service (SPS) and SCORE are therefore two separate, independent legal entities. Their functions are corrective services and rehabilitation respectively, with a clear separation of roles (rehabilitation and custodial services) even as the two entities work hand in glove. SCORE operates under a service level agreement with SPS and is responsible for the funding and delivering of community education strategies as well as for training and employment. This facilitates the engagement of the private sector.

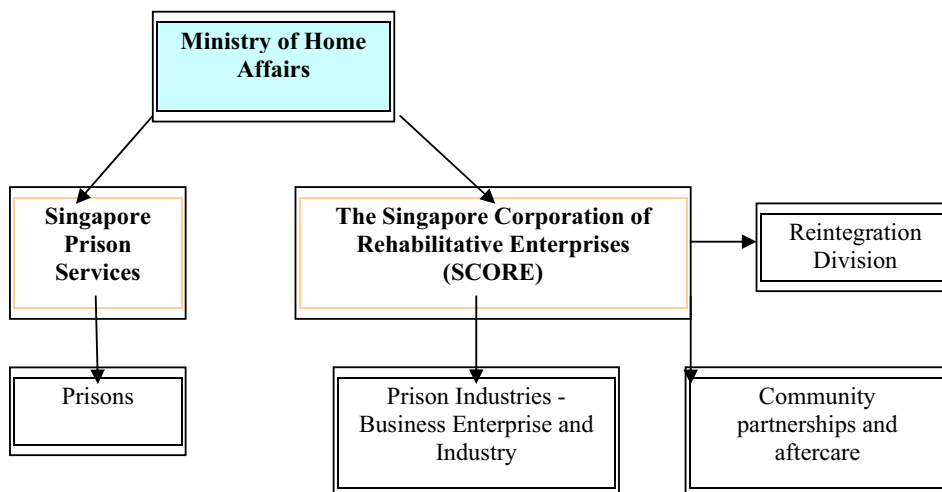
The following diagram broadly reflects the activities of SCORE:

## 4 Core Functions & 2009 Outcomes



The Chairman of SCORE is Mr Kong Mun Kwong, BBM (L), PBM, JP who was appointed on 1 August 1996. Mr Kong holds directorships in both private and public commercial companies in Singapore and Malaysia. Over a span of 35 years, he has developed business interests in Singapore as well as the region. Mr Kong has also served in a variety of community groups for more than 20 years. He has a passion for rehabilitation and is well connected. Many of the board members on SCORE are similarly successful business proprietors in their own right and serve as valuable corporate role models in the community. They are able to develop business linkages and provide expertise in business strategy.

The governance model is diagrammatically represented as follows:

**Figure 8.2 Governance structure of the Singapore Corporation of Rehabilitative Enterprises**

While the Singapore Prison Service (SPS) and SCORE are separate entities there is a close alignment between SCORE and SPS staff. Outside recruitment is supported by a regular interchange of staff between the two organisations. This interchange creates a close operational liaison and enables a shared understanding of the other's culture. This improves communication and provides for a strong working relationship.<sup>300</sup>

### **Finding 22**

In Singapore, the statutory authority (SCORE) responsible for the establishment and operation of prison industries, the facilitation of employment and the provision of training, is successful, in part, because of a close alignment between itself and the Singapore Prison Service.

### **(b) Commercially competitive**

SCORE is a commercially competitive enterprise that nonetheless has certain constraints. Its defining constraint is that it cannot compete with its own brand against industries listed in the yellow pages although SCORE can manufacture and sell their product or service through a third party commercially branded company. This occurs, for example, with bakery items. These products are sold with third party branding in higher quality supermarkets, retail outlets and food outlets.

<sup>300</sup>

Telephone briefing by Mr Kong Mun Kwong Chair of SCORE 3 June 2010.

Primarily SCORE provides goods and services to retailers although it will also tender, where appropriate, for government contracts. It operates the largest commercial laundry in South East Asia with government and non government contracts in both Singapore and Malaysia. To manage the work load it runs two shifts a day overcoming a productivity constraint noted in Western Australia's review of offender employment.

From SCORE's perspective, prison self sufficiency is secondary to commercial reality and the development of workplace skills that are relevant in the workplace existing outside the prison envelope. SCORE's underpinning philosophy is that all work undertaken should be relevant outside of prison.

**Finding 23**

In contrast to Western Australia and many other jurisdictions, Singapore's SCORE is prepared to work flexible hours to overcome some of the constraints of a prison's structured day, guided by the philosophy that all work undertaken should be relevant to workplace practices outside the prison.

The Singapore government and the corporate sector believe that the presupposition of cheap prison labour is a non issue in reality because prison labour is not truly competitive. The CEO of SCORE exemplified an instance where SCORE had once undertaken all prison tailoring; however, due to cheaper labour costs, this is now being undertaken in Sri Lanka.

The reasons provided for the poor productivity of prison industry is manifold, for instance:

- prison labour is relatively unskilled and so what can be undertaken is limited;
- productivity is low because the education level is low and many inmates have a limited work ethic;
- the industries are located inside prisons which by their very nature have to be secure. This means that transit times are both restricted and time consuming; and
- security checks have to be undertaken five times a day disrupting work flow.

With the advent of the 21<sup>st</sup> century, new technologically based business opportunities have opened up in prison environments. For instance SCORE operates a call centre in the prison and a multi media centre; the latter produces corporate videos, animation, posters etc.

Of the 61 workshops in prison:

- 33.3% are SCORE run;
- 33.3% are subcontracted by SCORE; and
- 33.3% are workshops leased by private companies.

The reason for dividing the management of industry in this way is that it insulates SCORE against crisis such as the global financial crisis.

An impressive 50% of inmates go on to find work in the same industry as they were engaged in while in prison. This is reflective of the applicability of skills to the outside world.

### **(c) Finances**

SCORE is self funded and does not rely on the Singapore government for subsidies. It generates surpluses to fund extensive training and rehabilitative strategies out of its own profit making endeavours. The Committee was advised by the Chair that SCORE has accumulated reserves of S\$20 million.<sup>301</sup> The Singapore Prison Service (SPS) do not fund any deficits. Although designed to be profitable, prison industries are not an end in themselves but a means to fund rehabilitation and re-integration. SCORE pays for the costs of employment training and community education out of the profits earned.

In its last published Annual Report (for the calendar year ended 31-12-2008) SCORE generated an income of S\$27,019,561 with net cash from operational activities of S\$1,616,421. Some of the costs incurred are costs that in Australian jurisdictions are absorbed into Adult Custodial Services budgetary line items. For instance, SCORE leases the floor space from SPS for use in their employment strategies. It also pays the cost of a security detail delegated to oversee the security of the supervisor. The supervisor is not a prison officer but an individual with appropriate qualifications and skills. In Australia the two roles can merge as they do in NSW as noted above.

In a manner that is similar to CSI in NSW, SCORE operates what it calls a 'Private Sector Participation Scheme' or PSPS. As part of PSPS, private enterprises can lease and set up manufacturing facilities in prisons. SCORE provides the private firms with workshop space and inmates as their productive work force. The private firms provide equipment, expertise and work opportunities.

Currently, there are 30 workshops in various prison institutions throughout Singapore leased to private enterprises. The nature of work includes the assembly of electrical and electronics components, assembly of paper products and manufacturing of food products.

Prisoners are not paid wages but given an allowance, or a gratuity.

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<sup>301</sup> Telephone briefing by Mr Kong Mun Kwong Chair of SCORE 3 June 2010.

**Finding 24**

The Singapore Corporation of Rehabilitative Enterprises (SCORE) is self funding. SCORE generates revenue from a diversity of commercially competitive industries that in turn fund ongoing investment in employment projects, as well as broader rehabilitation and community education strategies, for the Singapore Ministry of Home Affairs. This structure allows these activities to enjoy a sustainable, reliable source of funding that does not exist in Western Australia.

**(d) Re-entry**

SCORE operates a re-entry division which together with its extensive ‘Aftercare Network’ provides significant support to the prisoner on release.

Its services include:

- the administration of the prisons half way house scheme;
- working in a case management framework;
- a residential services unit;
- work reintegration unit;
- vocational rehabilitation; and
- employment assistance.

Its employer outreach strategy is illustrated as follows:

## Employer Outreach Strategy



The process of prisoner placement in employment following release commences before release. Strategies include placing an offender with an employer and then undertaking the training at that stage or, having trained the offender, it then places them with an employer on SCORE's register.

Subsequent to release SCORE undertakes to:

- mediate work-related issues;
- obtain feedback from the employer to improve the ex-offenders workplace performance;
- address employer deviances in HR practices; and to
- collaborate with the ex-offender to address other social issues they might be facing.

### Finding 25

In common with many other jurisdictions around the world Singapore, recognises the imperative for strong post release strategies to consolidate the gains made while in prison. These strategies are run by SCORE and are funded out of the profits of its operations and through philanthropic endeavour.

### 8.3 The United States

In 2009 Ms Katalin Kraszlan of the Department for Corrective Services, was awarded a Churchill Fellowship *To Study the Development, Provision and Evaluation of Re-entry Services for Prisoners – USA, Israel*.

What follows in this section is an extract of her ‘on the ground’ research as it relates to prison industries in Kansas, Michigan, and Georgia.

#### **(a) Extract from the ‘Study the Development, Provision and Evaluation of Re-entry Services for Prisoners’ 2009/10**

##### **(i) Kansas**

Kansas has developed a strong industries program within the prison system; prisoners have the opportunity to acquire job skills in competitive industries whilst serving their sentence. These industries are located within the prison facilities and outside of the prison facilities. This program is well integrated into Department of Corrections and continued to operate strongly despite the poor economic situation. The principle under which the program operates states that;

*Offender work programs and employment play a critical role in developing skills and abilities which will serve offenders on release, contribute to the good order and management of institutions, contribute to offenders success in the community and reflect our society’s belief in the value of work.*

The Kansas Corrections Industries (KCI) private industry program involves partnerships between the department and private businesses. The programs can not negatively impact workers employed by the partnership companies outside of the prison system or available workers in the locality of the host facility. The program offers benefits to the private industry by providing a stable and available workforce, reasonable wages (no need to provide benefits), gain a Federal Tax Credit<sup>302</sup> for each inmate employee, no unemployment taxes and subsidised production space.

The prisoners benefit by being able to acquire work skills, earn the federal minimum wage, receive mandatory savings on release and are able to pay outstanding debts such as child support, fines and criminal compensation.

<sup>302</sup>

Federal Tax Credits: The Work Opportunity Tax Credit (WOTC) can reduce employers’ federal income tax liability by as much as \$2,400. The WOTC is a Federal tax credit incentive that the Congress provides to private-sector businesses for hiring individuals from twelve target groups who have consistently faced significant barriers to employment including ex-prisoners.



**Finding 26**

The Kansas Department of Corrections operates prison industries in conjunction with private businesses. Unlike Australia these businesses provide work skills, and enable the inmate to earn the federal minimum wage, receive mandatory savings on release and enable them to pay outstanding debts such as child support, fines and criminal compensation. They also pay 'board'. The Committee considered that this model of remuneration had much to commend it. It also meets the International Labour Organisation expectations that a commercial rate be paid for prison labour employed by the private sector.

The Department of Corrections and subsequently the State, benefits by having high quality training given to prisoners at no cost, fine and criminal compensation paid whilst also having fewer disciplinary problems in prisons, reduced recidivism, meaningful jobs and the rent and utilities paid for by the private industry. There are a number of criteria for prisoners who wish to participate in private industry employment.

**For Prison based Industries**

- Security classification of medium or maximum.
- No Class I or II disciplinary convictions in the preceding 6 months and of any drug related disciplinary conviction in the preceding 12 months.
- Privilege incentive of two or three.
- Medical classification appropriate to Industries.
- Mental health classification that indicates no presence of active emotional or mental health problems or chronic care issues.

**For Non prison based industries**

[These industries are located outside the prison envelope]

- Security classification of minimum.
- A minimum of 12 months to a maximum of 60 months remaining to serve on current sentence.
- No Class I disciplinary convictions for the preceding 8-12 months.
- Privilege incentive level two or higher.
- No program requirements that cannot be adequately addressed while participating in program.
- Must present a low risk of violence and for re-offending.
- Medical classification appropriate to industries.
- Mental health classification that indicates no presence of active emotional or mental health problems or chronic care issues.
- Individuals convicted of a sexually motivated crime cannot present a high level of risk to the community and cannot have a diagnosis of pedophilia.

- Individuals possessing a history of escape, assaultive behaviour and/or past or present involvement in organised crime activities, including gang or security threat group activities will be considered on a case by case basis.

Prisoners who participate in industries are required to pay the following from their pay checks:

- Federal income tax.
- State income tax.
- Social security.
- Room and Board (25% of gross wage).
- Dependent support.
- Victims compensation (5% of gross wages paid toward court ordered restitution or to victims reparation board).
- Mandatory savings – after deductions have been made, 10% of inmates remaining wage are deposited in a savings account for disbursement upon release.

In return the correctional facility is required;

- To release prisoners daily to industries – prisoners can not be kept in [the] facility except for emergencies.
- To provide disciplinary officers to support private industry staff.

The types of industries partnered with Department of Corrections are diverse and include the following:

#### **Prison Based**

- Impact Design - a garment wholesaler and contract decorator.
- Jensen Engineering – a full service engineering company.
- Primewood - manufactures kitchen cabinets and other veneered products.
- VW Services – prep work for heating elements.
- BAC inc – manufacture leather belts, tool pouches etc
- Allied Material and Equipment Company – leading manufacture of national flags.
- Century Manufacturing – acrylic awards, promotional products and beer tap handles.
- Pioneer Balloon – printed celebratory balloons.
- Great Plains Manufacturing – Agricultural equipment manufacturing.
- Hubco – cloth, woven and non-woven packaging.
- Seat King – transportation seating.

#### **Non Prison Based**

- Henke Manufacturing – design and manufacture of snowplows and other attachments.
- Zephyr Products – design and delivery of engineering products.
- Laser Apparel – screen print and embroidery industry.
- Maico Industries – structural beams and girders.
- Moly Manufacturing – livestock handling equipment.
- D&M Auto Salvage – disassembles wrecked cars and trucks and salvages useable parts.
- Wifco – manufactures steel walkways, stairs and doors.
- Heartland China – design and decoration of fine china and glassware.

- MFL Industries – manufactures mattresses, toppers and pillows.
- Koch and Company – manufactures bi-fold doors, French doors, fire doors and kitchen cabinets.
- Great Bend Industries – custom designed welded, hydraulic cylinders.

Prisoners are required to undertake a variety of roles within these industries including factory hands, designers, supervisors, sales representation, customer service, stock take and stock ordering, distribution and reception. Prisoners undertake all the work in the factories from low skilled work options to more highly skilled. Private industry may only employ one or two employees in the facility who are not prisoners.

The success of the program is based on the commitment that the agency has to encourage private investment. Prisoners are provided with meaningful work which has real world relevance and the capacity to get promotions and better paid jobs. Prisoners are also required to apply for the job as if it was in the community, they had to submit a resume and undertake an interview. Although the industries were connected to the prisons (either inside or outside) they were not ‘supported’ industries but real industries required to compete in the marketplace and make a profit.

### ***(ii) Michigan***

Michigan had a number of prison industries but these were not developed to the extent of those in Kansas. The Prison Build Program was however an example of an industry which benefited both prisoners and the community. The Prison Build Program was a partnership between the Department of Corrections and Habitat for Humanity to build houses for low income earners and other disadvantaged groups. Prisoners are able to work within two streams - construction or horticulture. Prisoners who choose the construction stream apply for positions within industries and following an interview, if successful are then able to obtain trade skills in the industry; a similar process exists within the horticulture stream. To be successful prisoners have to display an aptitude for the program, a commitment to the program and the ability to work as part of a team. The curriculums are reviewed by union and non union contractors and the Michigan Nursery and Landscape Association; so on release prisoners have a recognised qualification. The houses are all completed within the prison and then trucked to the location; prisoners on release in work programs can finish the project by installing the completed house.

In both Kansas and Michigan program participants are linked to employers upon release. In both states the program co-coordinators stated that their graduates had excellent reputations and were in demand as employees. In some cases employers had held positions or changed work hours to suit the needs of the offender.

### ***(iii) Georgia***

Georgia had the Prisoner Industry Enhancement Certification Program (PIECP). This was an in-prison industry program which was aimed at attracting private industry to work from within the prison. Similar to Kansas these private industries could develop industries which did not displace workers in the community, or occur in occupations where there was a surplus of workers or impair

existing contracts for services. Similar to Kansas if a private industry partners with the prison they are required to pay the prisoner the prevailing wage, whilst the prisoner is required to;

- Pay taxes.
- Pay into crime victims fund.
- Pay a portion of their incarceration.
- Pay court ordered fines or restitution.
- Pay a portion to child or family support.
- Pay into a savings account for use upon release.

There were currently two 2 prisons in Georgia where this program had been implemented and one company was interested in implementing the program but were not able to in the current economic climate.

All of the jurisdictions paid particular attention to preparing the prisoner for employment outside of the prison system. The key issues covered included;

- Writing a job application.
- Interviewing skills.
- Telling an employer you have a felony conviction.
- Telling an employer how you have addressed your offending behaviour.

In all jurisdiction prisoners were required to apply for any prison employment as if it was a competitive position outside of the prison. By having to utilise these skills in the prison industries prisoners were provided with the opportunity to practice these skills prior to having find employment on release.

**Finding 27**

In some parts of the United States, real partnerships with private industry are instrumental to achieving meaningful employment options for prisoners within prisons. They also provide the potential for prisoners to transfer to similar positions outside of the prison upon release.

## CHAPTER 9 CHANGING THE APPROACH TO PRISON INDUSTRIES IN WESTERN AUSTRALIA

While recognising some special challenges that are experienced by the Department of Corrective Services (DCS) in Western Australia, with facilities spread across a third of the continent and with a high level of indigenous incarceration, there is no doubt that prison industry is underdeveloped, under resourced and unfocused in Western Australian prisons. There is a need for a more vigorous and structured approach which can produce very strong financial and rehabilitative dividends for the community.

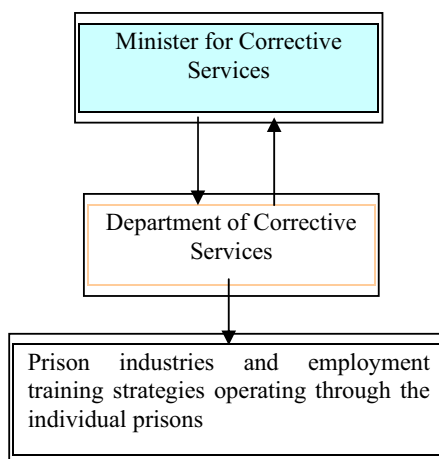
Recognising DCS's operational context and having regard to the evidence presented in the course of its Inquiry to date, the Committee believes that there are two distinct issues relating to the future of prison industries in this state, namely:

1. the appropriate operating structure that should apply; and
2. whether prison industries in Western Australia should operate on a commercially competitive basis.

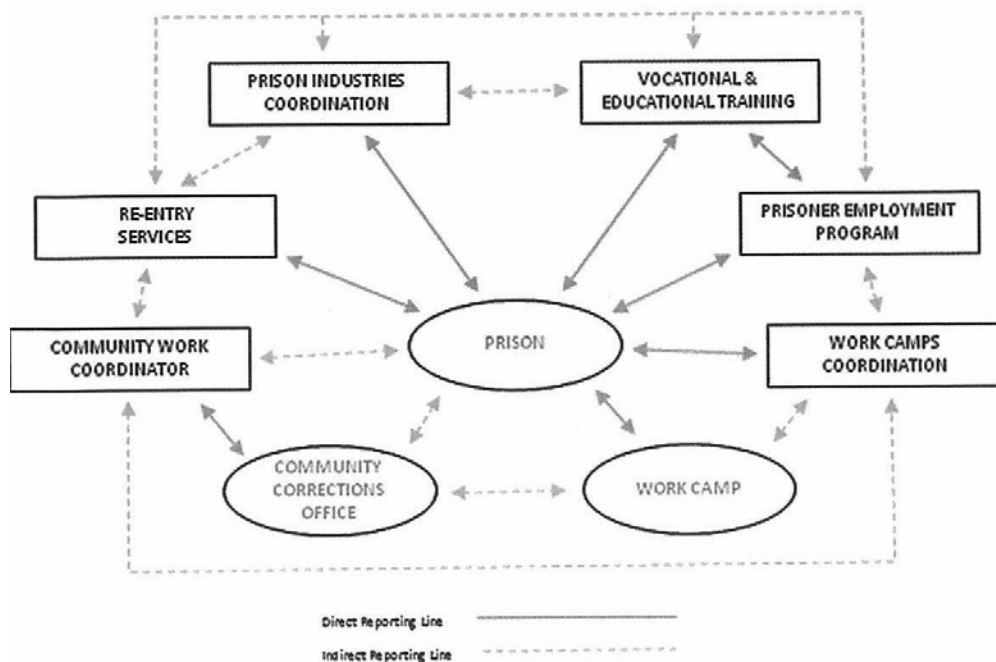
### 9.1 Operating structure

The operation and governance of Western Australian prison employment and industry strategies have been outlined in the previous chapters. In the decentralised model, the development of prison industries has been done largely at a Prison Supervisor level and the benefits primarily devolve to that facility's operations. The decision to proceed with an industry is therefore made at a local level based on local issues often following an approach from an external source.

**Figure 9.1 Governance structure for the Department of Corrective Services**



This is also well illustrated in the following framework illustrating lines of reporting.<sup>303</sup>



In this model the Department of Corrective Services absorbs any deficits while assuming general oversight of prison industries.

The deficits of the existing model and the benefits to be gained by coordinating the operations of prison industries are seen by the Committee to outweigh the benefits accruing to a decentralised model. This remains so, even when having regard to the size of the state and the disparate nature of the different regions. A centralised approach, with strong management, would enable the different facets of DCS's offender employment strategies to be drawn into a synergetic alignment, creating stronger outcomes for both DCS and the individual prisoner. At the same time there is a demonstrated value in regional facilities having a voice at the decision making table and so retaining the regional input to regional solutions.

It is also apparent to the Committee that the private sector's involvement is a major contributor to the success of any outward looking initiative. The evidence in Western Australia from DECCA, the 'Rio Tinto work ready strategy', in Singapore with SCORE and in NSW, all support a model that engages the business community in prison industries.

<sup>303</sup>

Department of Corrective Services, Internal Document, May 2010

**Finding 28**

There is merit in creating a separate entity to operate in Western Australia, along the lines of the statutory entity operating in Singapore. This allows for the expertise of industry leaders to be more fully exploited, as well as providing a financially sustainable model of funding for employment and training strategies. It is therefore the Committee's view that the responsibility for the development of prison industries should be separated from that of custodial services to allow for the professional focussed development of those industries.

**9.2 Commercially competitive Industry**

As is evidenced in this report, many jurisdictions both in Australia and overseas have adopted a commercially competitive approach to prison industries.

The current legislative barriers to creating a commercially aggressive strategy in Western Australia as proscribed by the *State Trading Concerns Act 1916* remain an impediment to change. However this situation will be overcome with the enactment of the recommended provisions in the Corrective Services Bill.

In achieving endorsement for a commercial focus there will be a number of broader issues that will require addressing. These were summarised in evidence by the Secretary, Western Australian Prison Officers Union:

*I do not think we would have any philosophical problem with a quarantining of resources to ensure that we were able to provide those services. The real thorn in the system is thrown up by what you have said. The first is that if you are going to have prison industries competing with general industry to be able to get the contracts to bring in the resources to make that financially viable, you then need to look at how you are going to ensure that we do not have unfair competition. We do not want to see prison industries being used to undercut industry in the wider community. But we do not have any philosophical problem, as I say, with the broader question of quarantining resources to ensure that education services and programs continue notwithstanding any increases in the prisoner population.*<sup>304</sup>

The impact of prison labour on employment in the broader community has been debated for some time in the United States where the practice of commercially competitive industry is widespread, as exemplified in the previous chapter.

*Proponents have touted the social benefits of decreased (net) cost for prisons, improved behavior in prison, the potential for lower recidivism, and rehabilitation through*

<sup>304</sup> Mr John Welch, Secretary, Western Australian Prison Officers Union, *Transcript of Evidence*, 21 April 2010, p3.

*development of work and social skills. Opponents of prison labor from the beginning have pointed out the private costs of lost jobs and lost sales of industries outside the prison.<sup>305</sup>*

The Committee, after making considerable inquiry, has formed the view that the issue of cut price prison labour is a non issue in reality. This is because such labour is not truly competitive with the private sector, for the reasons outlined below:

- prison labour is relatively unskilled and so what can be undertaken is similarly limited;
- productivity is low both because the education level is low and because many inmates have a limited work ethic;
- the true cost of labour includes the cost of the security guards provided;
- prison industries are located inside prisons which by their very nature have to be secure. This means that transit times between prisons and the outside world are restricted and time consuming; and
- as outlined in the previous chapter there are severe limitations on the workplace caused by the structured prison day.

As a caveat to any unbridled expansion of prison industries, the Committee noted the gate keeping role of the Corrective Industries Consultative Council in NSW. Acting as an advisory body with authority, it ensures that new enterprises work to within agreed parameters. In a related manner, SCORE in Singapore is restricted by legislation on its operational scope.

A move to a commercial model also requires consideration of those stakeholders who might be disadvantaged through their low education levels or skills base.

*Finally, in New South Wales, prison industries place considerable emphasis on revenue generating activities such as commercial contracts which are claimed to better provide real life work experience for prisoners. While such an approach may be criticised as being too revenue focussed, it is likely to better replicate community workplace cultures. However, it also best utilises those prisoners that already have workplace skills that are readily applicable to the work to be done. Such an approach could have particularly negative consequences for Aboriginal prisoners who are already generally found in the least well remunerated prison jobs largely requiring manual labour. Consequently, while there may be advantages to be gained from a greater emphasis on commercial contract work, careful consideration needs to be given to ensuring that groups such as Aboriginal prisoners are not further disadvantaged by such a change in focus.<sup>306</sup>*

It is worth noting that the corollary to this concern is the achievement in NSW in maintaining a fully representative proportion of Aboriginal prisoners in employment in industry. The Committee

<sup>305</sup> Derrick, F.W. et al, 'Prison Labor Effects on the Unskilled Labor Market', *American Economist*, vol. 48, 2004, p1.

<sup>306</sup> Submission No. 2 from Office of the Inspector of Custodial Services, 11 February 2010, p9.



was also struck by the major success DECCA has enjoyed with Aboriginal prisoners. In the latter instance, the ongoing success was in no small part attributable to effective re-entry strategies and support provided by the Roebourne Regional Prison. Both these examples demonstrate that a balanced and integrated approach can achieve strong results for all members of the prisoner community.

The advantages of a commercially competitive approach include:

- greater emphasis on prisoners acquiring skills that are relevant to the external work place;
- professionalisation of business management practices; and
- creation of industry linkages that can be leveraged in terms of prisoner employment.

#### **Recommendation**

The Committee recommends that there be a significant expansion of prison industries to address both the chronic underemployment of prisoners and the shortfall in opportunities for prisoners to develop skills that would give them a real chance of finding employment post release and a pathway to a non-offending life.

#### **Recommendation**

Given the identified need for a more professional, focused strategic and operational approach to prison industries the Committee strongly recommends the establishment of either:

- a statutory trading enterprise similar to that operating in Singapore, which would report to the Minister for Corrective Services; or
- a semi autonomous commercial entity similar to the model in NSW. The operations of this entity would be balanced by a Western Australian equivalent of the NSW Corrective Industries Consultative Council.

**Recommendation**

The Committee recommends that which ever of the of the prison industries models, proposed in the previous recommendation, is adopted:

- that the commercial boundaries of the new entity be defined in its charter or in legislation;
- that effective re-entry and post release support strategies are identified as core business;
- that the new entity retains profits to support the extension of its operations, replace or acquire plant and machinery and support rehabilitation and community education strategies;
- that regional prison facilities are represented at relevant decision making forums where those decisions affect them;
- that the new entity be given or loaned seed capital to establish its operational base; and
- that industry leaders be represented in an authoritative capacity in the governance of the enterprise. This would be achieved through representation on a governing body.

**Recommendation**

The Committee recommends that the new entity becomes a party to a Service Level Agreement with the Department of Corrective Services. This will establish objectives and set targets and standards. This will define the parameters of the service ensuring that the nature and quality of services delivered by the proposed entity are transparent, accountable and meet the public's expectations.

**Recommendation**

The Committee recommends a far more intensive engagement with private sector employers to encourage the acceptance of released prisoners into the workforce and that private industry leaders be recruited to assist this strategy.

## APPENDIX ONE

### ***SUBMISSIONS RECEIVED***

<b>Submission Number</b>	<b>Name</b>	<b>Position</b>	<b>Organisation</b>
1	Dr George O'Neil	Medical Director	Freshstart
2	Prof. Neil Morgan	The Inspector	Office of the Inspector of Custodial Services
3	Dr Ruth Shean	Director General	Department of Training and Workforce Development
4	Mr Dave Rennardson		
6	Mr Nathalie Hayman		
7	Ms Jane Paterson		Perth Women in Black
8	Mr John Thompson		
10	Mr Nathaniel G J Freeman		
11	Mr John Fluck		
12	Outcare (Inc)		
13	Mr Richard Wolterman		Lifeline WA
14	Mr Richard S Lippiatt		
15	Mr Ian Johnson	Commissioner	Department of Corrective Services
16	Dr Ron Chalmers	Director General	Disability Services Commission
17	Mr Brett O'Keefe		
18	Mr John Bedford	Executive Officer	ALSWA(Inc)



## APPENDIX TWO

### HEARINGS

Date	Name	Position	Organisation
23/09/2009	Ian Johnson	Commissioner	Department of Corrective Services
	Ian Giles	Deputy Commissioner Adult Custodial Division	Department of Corrective Services
	Jacqueline Tang	Deputy Commissioner Offender Management and Professional Development	Department of Corrective Services
19/01/2010	Ian Giles	Deputy Commissioner Adult Custodial Division	Department of Corrective Services
	Ian Clark	Superintendent Hakea Prison	Department of Corrective Services
	Christine Laird	Managing Director Educational and Vocational Training	Department of Corrective Services
10/02/2010	Prof. Neil Morgan	Inspector	Office of the Inspector of Custodial Services
	Barry Cram	Deputy Inspector	Office of the Inspector of Custodial Services
10/02/2010	Justice Narelle Johnson	Chairperson	Prisoner Review Board
10/03/2010	Tim Connolly	Director Case Management and Prisoner Employment	Department of Corrective Services
	Kathleen Csaba		Department of Corrective Services
10/03/2010	Peter Sirr	Chief Executive Officer	Outcare (Inc)
	Peter Henson	President	Outcare (Inc)
17/03/2010	Prof. Richard Harding	Consultant	
21/04/2010	Paul McMullan	Director	Acacia Prison

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

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	Vanessa Davies	Assistant Director Offender Management	Acacia Prison
19/05/2010	Jacqueline Tang	Deputy Commissioner Offender Management and Professional Development	Department of Corrective Services
	Christine Laird	Managing Director Educational and Vocational Training	Department of Corrective Services
	Brian Ellis	Director Sentence Management	Department of Corrective Services
	Mark Glasson	Director Offender Services	Department of Corrective Services
19/05/2010	Helen Baron-St John		
26/05/ 2010	Kathy Csaba	A/Manager Prison Industries	Department of Corrective Services

## APPENDIX THREE

### *SITE VISITS/BRIEFINGS*

Date	Host	Position	Organisation
03/03/2010	Ms Marie Chatwin	Superintendent	Casuarina Prison
27/04/2010	Mr Mike Henderson	A/Superintendent	Bandyup Women's Prison
25/03/2010	The Government Parliamentary Committee for Home Affairs and Law		Parliament House, Singapore
26/03/2010	Mr Phillip Overmyer	CEO	Singapore International Chamber of Commerce
26/03/2010	Mr Soh Wai Wah	Director of Prisons	Singapore Prison Service
26/03/2010	Prof. Ho Peng Kee	Senior Minister of State for Home Affairs	Ministry of Home Affairs
11/05/2010	Mr Brian Wilson	Superintendent	Roebourne Prison/, DECCA Station
12/05/2010	Mr Brian Wilson	Superintendent	Millstream Work camp
03/06/2010	Mr Kong Mun Kwong	Chair	SCORE





## APPENDIX FOUR

### *MAP LOCATION PRISON FACILITIES*

**Map Location of Metropolitan Correction Facilities<sup>307</sup>**



<sup>307</sup>

Map provided by Department of Corrective Services 2 April 2010.

# Map Location of Regional Correction Facilities<sup>308</sup>



<sup>308</sup>

Map provided by Department of Corrective Services 2 April 2010.

## APPENDIX FIVE

### ***PROFILE OF KEY INDUSTRIES IN THE WESTERN AUSTRALIAN PRISON SYSTEM***

<i>Key Industry</i>	<i>Profile (Brief)</i>
Livestock (farm)	Breed beef and sheep for slaughter
Fruit production	Including stone fruit, apples and citrus fruit for internal consumption
Vegetable production	All range of "in season" vegetables and "out of season vegetables" grown in hothouses and hydroponics
Construction/maintenance	General maintenance of prison buildings and construction. Recent examples include:  New visitors centre (Karnet)  New library (Bunbury)
Dairy production	Provides low fat milk for the prison system
Poultry/egg production	Produces eggs and chicken meat for the system
Abattoir	Slaughter, & meat processing, boning and packing for the food chain
Small goods	Production of a range of small goods including polony and salami
Vegetable preparation	Processes all vegetables grown and purchased in including washing cleaning and packaging for internal consumption and external sales
Textiles	Manufacturing of all prisoner clothing, shoes, linen, bedding.

Metal fabrication/Mechanical	Trailers Horse floats Stainless steel benches Gun cabinets Metal cages Clothes racks Steel trusses Pool fencing Patio components Bunk bed frames
Cabinet making	Pine furniture Fish tank stands Storage and removal crates Bunk beds and other furniture for the system
Catering	Produces over 12,000 prison meals per day Produces bread and bakery products for the adult and juvenile system Catering for functions (Boronia)
	Produces meals for police lock ups
Laundry services	Internal laundry across system; and External contracts with hospital and mining companies (Greenough)
Concrete products	Pavers Retaining wall components Garden and landscaping products including planer boxes
Printing	Printing of government and Departmental forms and publications

Work camps	<p>Bibbulmun Track realignment</p> <p>Restoration of White Dam</p> <p>(Wyalkatchem)</p> <p>Maintain 5 local cemeteries in Wyndham including the pioneer and Afghan</p> <p>Reconstruction of Walpole jetty</p>
Section 95	<p>Restoration of historic walk trails in Jarrandale (Karnet)</p> <p>Coastal revegetation at Northampton(Greenough)</p> <p>Maintain local golf course (Broome)</p> <p>Assisting clean up after the fires at</p> <p>Toodyay (Wooroloo)</p>



## APPENDIX SIX

### ADULT OFFENDER EMPLOYMENT BOARD

#### CHARTER AND TERMS OF REFERENCE

<b>Committee Title</b>	<b>Adult Offender Employment Board</b>
<b>Committee Chair</b>	Deputy Commissioner Adult Custodial <b>Date:</b> 22 <sup>nd</sup> February 2010
<b>Introduction</b>	<p>World wide evidence suggests that employment and a reduction in re-offending are linked and that the key factors are stability and quality of employment. Studies in USA and Canada indicate that recidivist rates for those who participate in prison industry or receive vocational instruction or traineeship training are lower than for those who do not participate. Additionally, recidivist rates of participants in prison education, vocational training and prison work assignments have been found to be 20 to 60 percent lower than those of non-participants. Offenders (both in custody and the community) engaged in relevant work programs are, therefore, more likely to be employed following release and to have higher earnings than non-participants.</p> <p>The Department of Corrective Services acknowledges that work assignments offered without attention to labour market demands do not necessarily prepare offenders for skilled jobs in the communities to which they return. Ultimately jobs that build towards a career and make offenders more marketable to employers upon release should be made available inside prisons to complement education and training programs on offer. By considering labour market demands and expanding the range of work assignments to include core industry training in all prison industries, work camp and community assignments, offenders are more likely to obtain gainful employment in the community on release.</p> <p>The establishment of an Adult Offender Employment Board provides a forum for training and prison industry agendas to be developed in tandem which will, in turn, provide a stronger platform to address recidivism rates.</p>
<b>Project Governance</b>	<p>The Board's Governance Structure will ensure that decision making is in line with the Department's strategic direction. The Board will answer to CET through the Deputy Commissioner Adult Custodial</p> <p>Executive support for the committee will be provided by Adult Custodial</p> <p>Deputy Commissioner can delegate position of Chair</p>

**Terms of Reference:**

The Offender Employment Board will be responsible for determining the direction and activities of industries across the State *in line with a whole of agency and strategic approach* to the employment of offenders both in custody and the community. This will be achieved by:

- Establishing the strategic direction for offender employment in line with the Department's policies and through better coordination and joint decision making
- Ensuring activities and industries align as closely as possible with labour market demands and the State Training Profile
- Endorsement and approval for the establishment of all new industries and projects
- Determining the appropriate balance between commercial and reparation activities and self sustainability requirements
- Developing improved reporting and auditing frameworks for industries
- Developing strategic partnerships with key employer and industry groups
- Raising the profile of offender employment activities thereby increasing the confidence of the community and judiciary in corrective services
- Market research for future employment and commercial opportunities
- Identifying opportunities for corporate social responsibility initiatives
- Pending outcome of the **Review of the Offender Employment Project**, support an integrated employment focus that maximizes opportunities for PEP, Education and Training, Section 95 and work camp activities, community work orders and prison industry activities

**Duration of the Board:**

The Offender Employment Board will exist until CET determines otherwise. These Terms of Reference and Charter will be reviewed pending the outcome of the **Review of the Offender Employment Project**.



COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Board members:	Members		Roles and Responsibilities
	<b>DCS Members:</b> Ian Giles Tim Connolly Kathy Csaba Christine Laird Graeme Doyle Dianne Kraljevich Alan Watkins  <b>Other Members:</b> Industry membership Superintendent representative Training Academy represent- ative		Deputy Commissioner Adult Custodial (Chair) Director Case Mngt and Offender Employment Manager Prison Industries Managing Director EVTU Assistant Commissioner Corporate Support Coordinator Community Work Management Unit Director South (Adult Community Corrections)  Other members will be co-opted on to the committee on a needs basis
Board Reporting and Control:	Meeting Frequency	Monthly	
	Change Control	Any changes to the Terms of Reference must be endorsed by CET	
	Quality Standards	To be managed via the project reporting mechanisms	
	Reporting	Regular updates to CET via Deputy Commissioner Adult Custodial	
Standard Agenda Items:	Endorsement of minutes from previous meeting Action List Items for Decision Items for Discussion Other Business		
Executive Support	Executive support includes: Draft reports for CET Distribute Minutes and Agendas Follow up on actions and decisions of the Board		

\_\_\_\_\_  
**Decision making authority**  
**(Deputy Commissioner**  
**Custodial Operations)**

\_\_\_\_\_  
 Date



## APPENDIX SEVEN

### **ASSESSMENT AND SENTENCE MANAGEMENT OF PRISONERS**

The basic principles underpinning Assessment and Sentence Management procedures are to ensure that:<sup>309</sup>

- prisoners are classified at the lowest level of security necessary to ensure their continuing custody, the good order and security of the prison they are placed in and the safety and protection of the general public (including victims), officers and other prisoners
- prison security is managed efficiently and effectively by the placement of prisoners in a range of accommodation options at varying levels of security
- decisions in regard to a prisoner's security rating and/or placement are made on the basis of individual assessment and classification. The assessment of all **new young offenders** is to occur expeditiously in line with Operational Instruction 16
- a prisoner's health needs, including any intellectual and physical disability, are considered
- individual classification is undertaken in a logical and consistent manner
- each prisoner has an individual classification
- continuity of decision making during prisoner's sentences and when prisoners transfer between prisons
- informed decisions are made having regard to the prisoner's needs, issues of risk, available resources and operational constraints
- risk of re-offending is considered in the context of both risk within the prison system and in community settings
- prisoners be provided with and encouraged to participate in rehabilitation opportunities and assisted with their re-integration into the community
- there is timely provision of information regarding the prisoner's progress to releasing authorities.

The aims of assessment and sentence management are:<sup>310</sup>

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<sup>309</sup> Department of Corrective Services, Director General Rules, Adult Custodial Rule 18 Assessment and Sentence Management of Prisoners p5.

- to reduce the risk of re-offending by prisoners by identifying areas of risk and providing IMPs during imprisonment aimed at reducing that risk
- to enable prisoners to make constructive use of their time in prison through structured IMPs by providing strategies to avoid further offending and re-imprisonment through the provision of appropriate interventions, working towards the possibility of the earliest release of prisoners from custody
- to provide information to assist administrators to target resources more effectively in order to ensure that prison regimes and services more closely match the identified needs of prisoners
- determination of an individual's security rating based on risk
- program inclusion based on prisoner risks/needs and available resources
- where practicable, prisoners are to be placed as close as possible to family, friends and/or significant others in order to promote family, community and social support
- placement within an appropriate prison
- scheduled reviews to assess a prisoner's progress, placement and security rating.

The individual management plan (IMP) provides information in regard to:<sup>311</sup>

- Custody and Containment  
Term Details, Security Rating, Placement, Offender Behaviour, Outstanding Court Details, and information regarding Restricted Visits.
- Care and Wellbeing  
Special Needs Referrals, Health Issues (do not include Blood Borne Communicable Disease status) and Family/Social Contact Issues.
- Rehabilitation and Reintegration  
Main Intervention Needs (identified through the application of Treatment and Education Checklists) and Specific Parole Issues.
- Reparation  
Industry/Vocational Skills the offender has to offer.

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<sup>310</sup> Department of Corrective Services, Director General Rules, Adult Custodial Rule 18 Assessment and Sentence Management of Prisoners p5-6.

<sup>311</sup> Department of Corrective Services, Director General Rules, Adult Custodial Rule 18 Assessment and Sentence Management of Prisoners 8.7.5, p10.