

RISDON PRISON COMPLEX INQUIRY

MICK PALMER AO APM



2011

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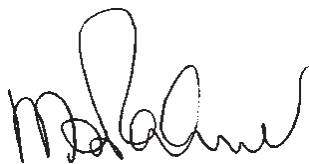
The Hon Nick McKim MP
Minister for Corrections and Consumer Protection
Level 9
Marine Board Building
1 Franklin Wharf
HOBART TAS 7000

Dear Minister

I am pleased to present to you my report on the Inquiry into the Risdon Prison Complex.

The Inquiry was conducted in accordance with the Terms of Reference issued on 25 October 2010.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mick Palmer', with a large, stylized initial 'M'.

Mick Palmer AO APM

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“We must not forget that when every material improvement has been effected in prisons, when the temperature has been rightly adjusted, when the proper food to maintain health has been given, when the doctors, chaplains and prison visitors have come and gone, the convict stands deprived of everything that a free man calls life. We must not forget that all these improvements, which are sometimes salves to our consciences, do not change that position.

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm and dispassionate recognition of the rights of the accused against the state, and even of convicted criminals against the state, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes, and an unfaltering faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of a nation, and are the sign and proof of the living virtue in it.”¹

Winston Churchill, House of Commons speech, given as Home Secretary, July 20 1910

OVERVIEW

This Inquiry was commissioned by the Minister for Corrections and Consumer Protection, the Hon Nick McKim MP, with the stated intention of providing impartial, objective and accurate advice to the Government on Risdon Prison Complex (RPC) operations and to provide a realistic way forward that is appropriate for Tasmania.

The Inquiry has identified a number of significant problems that need decisive and urgent action. The report contains a range of criticisms and findings concerning both the leadership, management and operational practices at RPC and the management and treatment of prisoners.

To the extent that faults and deficiencies are identified and criticisms or adverse findings made, the focus is on operational practice and behaviour, not on people. The vast majority of management and staff interviewed during the Inquiry, or with whom the Inquiry interacted, were doing their best in difficult circumstances. They were clearly frustrated that the prison was not operating more effectively and wanted to see improvement.

A number of senior and middle management positions are staffed by people acting in those positions, including the Director of the Tasmania Prison Service (TPS). Over the past five to six months, all staff and management have been operating in an environment of continued operational and industrial tension and with the added complication of the existence of this Inquiry.

This disputation has been accompanied by higher than normal sick leave and absentee rates, consequent difficult resource and minimum staffing challenges, and a significantly increased overtime cost. These issues have combined to significantly affect operational flexibility and capacity. The tensions between management and prison staff which were evident when the Inquiry began in October 2010 still exist and there is, in the opinion of the Inquiry, a high level of distrust and a low level of constructive communication between management and staff.

The above factors have combined to make it difficult for the Acting Director and other members of the Senior Management Team (SMT) to separate themselves from tactical day to day leadership and management decisions to consider more strategic solutions or options to continuing tactical challenges.

Having recognised the above issues, however, it is also clear to the Inquiry that many of the factors leading to the current industrial disputation and operational problems at RPC have had a lengthy gestation period and that the warning signs for the deterioration in staff and management relationships and the operation of a healthy prison should have been obvious for some time.

The reality is that there is currently a lack of clear and decisive leadership within the TPS at RPC. Further, there is a high level of distrust between management and staff, where operational practices have served to cause staff to withdraw from interaction with prisoners, compounding into excessive lockdowns (particularly of maximum security rated prisoners) and, overall, to apply what can only be described as little more than a containment policy across the prison as a whole. It is important though, to emphasise, as explained later in the report, that the majority of critical comments relate to the maximum and medium security units of Risdon Prison rather than to the Ron Barwick Minimum Security Prison (RBMSPP) or the Mary Hutchinson Women's Prison (MHWP).

CHAPTER 1 - OVERVIEW

The current situation is, however, unsustainable and, if allowed to continue, can only lead to further deterioration and a likely occurrence of serious riot and disorder.

In the current environment, the behaviour of all parties is doing little more than to continue to aggravate the problem.

From a management perspective there is a view that staff are overstating the problem and running an agenda of industrial tension to maintain the current role of the Tactical Response Group (TRG) together with current levels of overtime and benefits.

From the staff perspective there is a view that management has failed to provide any leadership or support to staff on the ground and, therefore, maintain appropriate levels of safety. They feel betrayed that promises made prior to the opening of the new RPC in 2006 have not been kept. A result of this has been that many staff believe it is impossible to create a healthy and dynamic prison environment and to provide prisoners with reasonable opportunity for work, education and activity.

This combination of issues has caused many staff to lose confidence in their ability to interact with prisoners and to become fearful of personal contact, particularly with prisoners contained within the maximum security units.

From a prisoner's perspective, the consequent group lockdowns and other restrictions that have resulted from staff concerns have increased tension and animosity between prisoners and staff. This has clearly contributed to the assaults, cell breaches and other disorder which has occurred in recent months and, without resolution, can only result in further and more serious problems.

The prevailing situation must be remedied as a matter of urgency and a constructive dialogue begun between management and staff to establish an agreed process for creating a normal healthy prison environment to the mutual benefit of all parties.

This reform will need to be driven and supported from the top and be unequivocal in its commitment. In view of the prevailing environment it is the opinion of the Inquiry that it is highly likely that specialist assistance will be needed for this to occur.

Consequently, a two-pronged approach to the necessary reforms is proposed. The first to drive and steer change-management processes; the second to provide continuing independent monitoring and inspection of prison operations.

It is proposed that Government secure the services of a skilled prisons administrator with a reputation for effective change-management who has wide experience in prison operations and is a skilled communicator. The primary purpose of the role would be to drive (and have authority to facilitate) the operational reforms outlined in this report. It is proposed that the position have direct line responsibility to the Director of Corrective Services and lead and mentor the senior management team during the change process.

In order to ensure that there is both actual and demonstrable engagement with and commitment to the desired change management processes, it is suggested that an internal change management team be selected to work closely with the appointed change manager and to actively participate in the implementation of the identified changes.

To ensure maximum traction and credibility is achieved through this arrangement the change management team should have cross-sectional representation, both vertical and horizontal, and include relevant union representation.

A key responsibility of the change manager's role will be to develop a succession plan which ensures the sustainability of the reforms. To reinforce the importance of the succession planning responsibilities it is suggested that the position be subject to a sunset clause which is reviewed after two years.

It is also suggested that consideration be given to creating an independent commission. A number of jurisdictions have, in the past, instituted commissions following significant inquiries. These include New South Wales following the Nagle Inquiry and Queensland following the Kennedy Inquiry. In these jurisdictions, commissions were given direct responsibility to implement the reforms identified in the relevant inquiries. Both commissions were subject to review and operated to ensure that the required reforms were implemented and that external expertise was brought in at a senior level to oversee the day-to-day management of reform. Both commissions were seen as appropriate in the aftermath of the inquiries.

The establishment of a similar commission structure, to be responsible for the executive management of the TPS, could be considered as an alternate or supplementary initiative. The commission could comprise a number of external members as well as senior members of the TPS.

In the Tasmanian environment it is suggested that the external members would be appointed on a part-time basis and to be representative of the health and welfare sectors and broader community groups.

Recommendation 1(a)

That the Government secure the services of a competent and skilled prisons administrator with a reputation for effective change management to drive the implementation of the operational reforms outlined in this report and to:

- ▶ Have direct line responsibility to the Director of Corrective Services;**
- ▶ Lead and mentor the Senior Management Team and work closely with a selected internal change management team during the change process; and**
- ▶ Develop a succession plan and capacity.**

To reinforce the role of the position that it be subject to a sunset clause to be reviewed after two years.

And/or

Recommendation 1(b)

The Government establish a commission to be responsible for the executive management of the TPS.

The commission to comprise:

A Commissioner;

- ▶ Director of Tasmania Corrective Services;**
- ▶ Director of Tasmania Prison Service; and**
- ▶ Two part-time members of the health and welfare sectors and broader community groups.**

If recommendation 1(b) is accepted it is suggested that the person appointed as the Commissioner be a person with a credible reputation for effective change management and organisational reform. Preferably experience in prison administration would be desirable.

PROPOSED INDEPENDENT INSPECTION PROCESS

It is also proposed that an independent inspection process be established and that the Inspector(s) have unfettered access to all persons, places and documents relevant to a custodial inspection. It is suggested that the reports of all such inspections be published. While it is beyond the Terms of Reference for this Inquiry, it is further proposed that consideration be given, on cost effectiveness grounds, for such inspections to have authority to encompass other forms of custody such as police custody centres and closed mental health institutions.

It is noted that the Australian Government became a signatory on 22 May 2009 to the Optional Protocol for the Convention Against Torture (OPCAT) which requires governments to allow periodic international inspections of all of its places of detention, and to establish formal mechanisms to enable regular examination of the treatment of persons in places of detention.

Establishing a system of independent inspections would therefore comply with the OPCAT requirements but would, most importantly, provide Government, management, staff (and prisoners) with periodic, impartial and informed progress reports on the performance of all aspects of prison operations and reform.

There are a number of ways that independent inspections could be instituted, including establishing a new statutory office, legislating new statutory responsibilities to be attached to an existing statutory office, or by contracting services from outside Tasmania. It is a matter for the Government of Tasmania, not for this Inquiry, to determine an appropriate and cost-effective means of securing periodic inspections. However, it is essential that such inspections be independent of government or ministerial control, although the relevant minister should have a power, under exceptional circumstances, to direct that an inspection of a particular custodial service take place.

Recommendation 2

That Government establish an independent, competent, inspection authority to provide for the periodic inspection of custodial services and the publication of all inspection reports.

While the leadership and management changes recommended above can both assist the implementation of the change processes and provide an independent monitoring and review of progress, it will be necessary for Government to provide a platform from which management and staff can begin a new dialogue of constructive, collaborative reform.

In order to provide such a platform, it is proposed that the Government give a clear and unequivocal commitment to expedite both the start and completion of the Stage D Part 1 redevelopment of the RPC according to the priorities outlined in Chapter 8. This will provide for the construction of much needed additional educational and multipurpose workshop facilities, an adequate prisoner gymnasium and extended exercise yard facilities for maximum security prisoners. It will also provide additional constructive opportunities for prisoners and a tangible prospect of hope for change.

Recommendation 3

That Government commit to implementing recommendations 38 or 39 contained in this report relating to expediting additional infrastructure at the Risdon Prison Complex to provide much needed additional educational and multipurpose workshop facilities and an adequate prisoner gymnasium (including extended maximum security exercise yards), in order to constructively occupy prisoners.

Recommendation 38

That the Government reconsider its current 2008 approval of \$20.7million for the Stage D Part 1 development of the Risdon Prison Complex and approve the expenditure of the original estimated capital cost of the total Stage D Part 1 development of \$48.375million.

Recommendation 39

Should the government find it necessary to stage the additional RPC infrastructure development that, as a minimum allocation, the \$20.7million approved in 2008, be appropriated immediately, with construction occurring in accordance with the following priorities in order to maximise the effectiveness of necessary cultural and operational practice reform:

- ▶ *Priority 1: additional educational and multipurpose workshop facilities and an adequate prisoner gymnasium (including extended maximum security exercise yards);*
- ▶ *Priority 2: new high risk and behavioural management security unit consistent with Recommendation 1 of the Ombudsman’s Investigation Report of June 2010; and*
- ▶ *Priority 3: construction of a kitchen, spiritual centre and a geriatric unit.*

Given the current lack of employment and educational opportunities for prisoners in Risdon Prison, a further key and immediate responsibility should be to develop interim employment opportunities to ensure that prisoners are constructively occupied until additional workshops and educational facilities can be constructed.

Initiatives witnessed at secure interstate prisons visited during the Inquiry included a range of horticultural and other low cost, practical activities aimed at cost-effectively maximising the opportunity for meaningful, productive and satisfying work and industry opportunities for prisoners, including particularly those classified at maximum or medium.

These initiatives included tree and shrub growing for charities and environmental groups, developing a memorial garden within the prison grounds, flower gardens, a cultural garden created and tended by prisoners, an animal rehabilitation program for rescued and injured wild and domestic animals, a greyhound adoption program, a budgerigar breeding program intended as companions for old aged people, waste reduction and recycling programs and a cooking yard.

In the TPS context these initiatives assume particular importance as, unlike most Australian jurisdictions, Tasmania does not have any routine line-funding appropriation for prison industries. As a consequence, as few prison industries prove to be completely self sustaining, it is difficult in the Tasmanian environment to maintain prison programs. The ‘cost negative’ aspect of the prison industry environment is understood to be a factor in the ongoing consideration of the possible closure of the Hayes Prison Farm.

The horticultural, conservation and animal husbandry style activities described above offer real and immediate low or no cost opportunities to enhance prisoner activity and improve prisoner morale and motivation within RPC. It is unlikely, though, that prison industries, such as farms, can ever be wholly profitable or able to compete with commercial business.

CHAPTER 1 - OVERVIEW

Prison farms lack economies of scale, profit incentives and the prison farmers lack expertise and knowledge. However, activities such as those described would provide prisoners with the opportunity to experience the satisfaction of being productive while at the same time teaching them meaningful skills. While such operations may not always cover costs, they are relatively inexpensive, can be implemented quickly, would target a core complaint of Risdon Prison prisoners (boredom and inactivity) and could support specific government programs, charitable institutions and community initiatives.

The benefits and potential value of animal husbandry style initiatives have already been successfully demonstrated through the TPS involvement in the 'Pups in Prison' National Program for which it is understood further funding has just been approved.

Finding 1

That industry and activity similar to the horticultural, waste reduction and recycling and animal welfare style activities currently in operation at many secure Australian prisons is a cost effective and constructive way to quickly and easily improve the opportunities for meaningful work and activity by maximum and medium security prisoners. These projects would provide meaningful, productive activity for prisoners and an opportunity to positively contribute to society and, regarding animal welfare activities, to take responsibility for the care of those in their charge.

Recommendation 4

That industries and activities such as low cost horticultural, waste reduction and recycling and animal welfare style activities in operation at many secure Australian prisons be immediately considered for implementation within both the maximum and medium security facilities at the RPC, regardless of any decision made in regard to the Stage D redevelopment.

Finally, as an immediate circuit breaker to the current and ongoing management/staff impasse and industrial tension, it is suggested that early consideration be given to convening a joint management/staff workshop facilitated by an independent moderator to openly discuss issues and the causes of continuing tension and disputation and to settle a framework and a pathway forward sufficient to re-establish constructive relationships.

Recommendation 5

That an independent moderator be engaged to conduct a series of management and joint management/staff and management/staff/union workshops to openly discuss prevailing issues of tension and to identify and agree to a framework to re-establish constructive relationships and a pathway forward towards the establishment of a healthy prison environment.

A priority challenge in this process will be to emphasise conciliation and mediation over arbitration and, in moving forward, to seek solutions rather than sanctions or conflict. This will require good will on behalf of all parties

RECOMMENDATIONS

GOVERNANCE

1.
 - a. That the Government secure the services of a competent and skilled prisons administrator with a reputation for effective change management to drive the implementation of the operational reforms outlined in this report and to:
 - ▶ Have direct line responsibility to the Director of Corrective Services;
 - ▶ Lead and mentor the Senior Management Team and work closely with a selected internal change management team during the change process; and
 - ▶ Develop a succession plan and capacity.To reinforce the role of the position that it be subject to a sunset clause to be reviewed after two years.

And/or

- b. The Government establish a commission to be responsible for the executive management of the TPS.

The commission to comprise:
 - ▶ A Commissioner;
 - ▶ Director of Tasmania Corrective Services;
 - ▶ Director of Tasmania Prison Service; and
 - ▶ Two part-time members of the health and welfare sectors and broader community groups.
2. That Government establish an independent, competent, inspection authority to provide for the periodic inspection of custodial services and the publication of all inspection reports.

PRISON PHYSICAL INFRASTRUCTURE

3. That Government commit to implementing recommendations 38 or 39 contained in this report relating to expediting additional infrastructure at the Risdon Prison Complex to provide much needed additional educational and multipurpose workshop facilities and an adequate prisoner gymnasium (including extended maximum security exercise yards), in order to constructively occupy prisoners.
4. That industries and activities such as low cost horticultural, waste reduction and recycling and animal welfare style activities in operation at many secure Australian prisons be immediately considered for implementation within both the maximum and medium security facilities at the RPC, regardless of any decision made in regard to the Stage D redevelopment.

CHAPTER 2 - RECOMMENDATIONS

WORKPLACE

5. That an independent moderator be engaged to conduct a series of management and joint management/staff and management/staff/union workshops to openly discuss prevailing issues of tension and to identify and agree to a framework to re-establish constructive relationships and a pathway forward towards the establishment of a healthy prison environment.
6. That the agenda of the SMT be developed to ensure that the subject of staff training is a fixed agenda item.
7. That TPS immediately conduct a training needs analyses.
8. That a range of educational and social activities be undertaken on a regular and programmed basis (e.g. quarterly) aimed at increasing team building skills, esprit de corps and interpersonal skills among RPC staff. These activities should be observed or assessed by professionals to provide expert feedback and commentary to senior management e.g. as a means of identifying potential leaders for promotion.
9. That consideration be given to rostering four members of the TRG to patrol positions in recognition that, 'running and reacting' to a dynamically developing situation can be dangerous and unsafe for both the staff and any prisoners involved.

That members be carefully selected and that a precondition of their appointment to a patrol position be that they are adequately skilled in de-escalation techniques and strategies.

10. That a comprehensive Director's Standing Order (DSO) that details how segregations must be managed and administered, be developed and issued as a matter of urgency. At a minimum the DSO should specify:
 - a. The initial transfers and any extension must only be for reasons of safety, security, good order or discipline or be based on a prisoner's written request;
 - b. The conditions under which a prisoner must be housed during the segregation period and the manner;
 - c. A medically qualified person must see the segregated prisoner each day;
 - d. That the General Manager must inspect the segregation unit at least once each week and speak to all prisoners housed in the unit;
 - e. The frequency and manner in which the segregation order must be reviewed;
 - f. That, in accordance with natural justice requirements, a prisoner be granted an opportunity to be heard before a decision is made against them and that the decision be made by a non-biased decision-maker;
 - g. Both the original direction for segregation and any direction for extension be given in writing and must include the grounds on which they are based; and
 - h. The prisoner must be provided copies of each and every order.
11. That the responsibility for extending a segregation order be transferred to the Director of Corrective Services.
12. That a review of recently purchased personal duress alarms be conducted to ensure they are electronically integrated into the established duress alarm system.

13. That management immediately initiate arrangements that ensure prisoners receive their approved prisoner out-of-cell time and that approved out-of-cell time schedules are adhered to.
14. That an SOP be produced as a matter of urgency which articulates the accountability and timeframe arrangements for prisoner lock and unlock procedures.
15. That a comprehensive DSO be developed and issued detailing the mechanical restraints that are approved and how and in what circumstances they may be applied.
16. That the TPS as a matter of urgency introduce and implement:
 - a. A program within the RPC that ensures that all senior management routinely visit all sections of RPC each week; and
 - b. A schedule of both routine and structured, minuted, meetings including:
 - Workplace Health and Safety meetings (monthly);
 - Local Consultative meetings (monthly);
 - Management and Prisoner Representative meetings (monthly);
 - Risdon Prison Management meetings (weekly);
 - Mary Hutchinson Management meetings (weekly);
 - Ron Barwick Prison Management meetings (monthly);
 - Senior Management Team meetings (at least fortnightly); and
 - Security meetings (monthly).
17. That the TPS address, as a matter of priority, the management and effective operation of the following security requirements:
 - a. The Perimeter Fence including the issues identified in Finding 28;
 - b. The Control Room including the issues identified in Finding 29;
 - c. The Front Gate Reception including the issues identified in Finding 30;
 - d. The Sally Port including the issues identified in Finding 31;
 - e. The Prison Count including the issues identified in Finding 32;
 - f. The prison unlocks and lockups and prisoner time out of cells including the issues identified in Finding 33;
 - g. Searches including the introduction of a structured system of regular, routine, programmed random and unannounced searching of buildings, fixtures, vehicles, visitors, and staff at a frequency in accordance with the assessed level of risk and the issues identified in Finding 34;
 - h. Strip searches including the issues identified in Finding 35;
 - i. Key control and the use of mechanical restraints including the issues identified in Findings 36 and 37;
 - j. Tools, sporting equipment, culinary equipment, and utensils including the issues identified in Finding 38;
 - k. Housekeeping and hygiene including the issues identified in Findings 17 and 26;
 - l. Personal duress alarms including the issues identified in Finding 27; and
 - m. Fire drills and evacuation exercises for staff and prisoners including the issues identified in Findings 19 and 21.

CHAPTER 2 - RECOMMENDATIONS

18. That within RPC the TPS:
 - a. Conduct a full risk assessment of the entire operations of the prison;
 - b. Re-writes all SOPs to reflect the outcomes of the completed risk assessment and contemporary correctional practices in Australia;
 - c. Conduct training needs analyses across all disciplines;
 - d. Introduce an effective incident management system to deal with security, risk management, workplace health and safety, operational compliance and facility hygiene, to highlight areas of key risks and to develop and then ensure compliance to the preventive interventions;
 - e. Introduce a risk-driven audit schedule;
 - f. Introduce management reviews;
 - g. Develop a business continuity plan for each section of the RPC;
 - h. Relocate the Emergency Management Centre to an operationally effective and secure location;
 - i. Secure the room containing mission-critical IT equipment to prevent unauthorised access; and
 - j. Introduce into all operational areas bound logs and registers with numbered pages.

PRISONER TREATMENT

19. That, in planning for Stage D development of RPC, consideration be given to the needs of geriatric prisoners.
20. That immediate steps be taken to enact legislative provisions which clearly prescribe and control the use of instruments of restraint.
21. That the staffing of the Tamar Unit be based on a selection process that ensures a team of consistent, calm and experienced officers. Selection criteria should be developed in conjunction with specialist professionals in behaviour management and staff should receive regular training in such areas as interpersonal skills, negotiation skills, case management and conflict resolution.
22. That the Tamar operational practice regime be changed immediately in line with the Ombudsman's recommendations and recognised behaviour modification principles.
23. That supervisors conduct a supervisors' parade in each unit one day a week in order to ensure they are in touch with prisoners' concerns.

That such parades have the objective of quickly resolving problems and providing an answer to prisoners that same day, where practical. These meetings should be recorded and examined for lessons to learn.

24. That senior managers regularly walk around the prison and talk to staff and prisoners in all locations in order to re-establish a sense of participative leadership and to develop a moral discourse about values and purposes.
25. That consideration be given to how a professional relationship between senior management, supervisory staff and custodial officers can be re-established by a joint staff/management working group.

26. That the case management system be urgently reviewed to ensure case management facilitates an effective pathway for individual prisoners to address their offending behaviour and prepare them for release.
27. In order to expedite and maximise the reintroduction of programs and education into the RPC, education and programs staff be permanently housed in the Education Building and that the delivery of these services be scheduled, in conjunction with custodial imperatives, during the entire unlock period.
28. That program and education capacity be increased to enable the delivery of short-term programs to remand prisoners.
29. That custodial positions in the programs and education centre be structured to maximise consistency and preferably be on a permanent eight hour duty basis.
30. That a review of staffing be made with a view to determining the number of additional educators to be recruited.
31. That Government review its prohibition on apprenticeships and traineeships for prisoners as a matter of urgency.
32. That the TPS undertake a full WH&S review of all prisoner workplaces at RPC and that WH&S standards be enforced in all prisoner employment.
33. That Government approve a budget for prison industries that ensures all prisoners have meaningful work and develop vocational training programs to better prepare prisoners for a working life beyond prison.
34. That the construction plans for Stage D of development for the RPC include a new multipurpose workshop and kitchen along with the investigation of new industries.
35. That TPS invite the Wilfred Lopes Centre to help develop a regime for managing challenging behaviours.
36. That senior management eat a prisoner meal in each unit at least once a week, preferably in the presence of prisoners. In that way, prisoner comments and concerns about food can be seen to be being heard and properly relayed to the kitchen.

PRISON PHYSICAL INFRASTRUCTURE

37. That the Government give urgent consideration to funding more community accommodation and generating more work opportunities for ex-prisoners in order to reduce the churn effect on re-offending related to the current deficits in this area.
38. That the Government reconsider its current 2008 approval of \$20.7million for the Stage D Part 1 development of the Risdon Prison Complex and approve the expenditure in the original estimated capital cost of the total Stage D Part 1 development of \$48.375million.

CHAPTER 2 - RECOMMENDATIONS

39. Should the government find it necessary to stage the additional RPC infrastructure development that, as a minimum allocation, the \$20.7million approved in 2008, be appropriated immediately, with construction occurring in accordance with the following priorities in order to maximise the effectiveness of necessary cultural and operational practice reform:
- ▶ Priority 1: additional educational and multipurpose workshop facilities and an adequate prisoner gymnasium (including extended maximum security exercise yards);
 - ▶ Priority 2: a new purpose built high risk and behavioural management security unit consistent with Recommendation 1 of the Ombudsman’s Investigation Report of June 2010; and
 - ▶ Priority 3: construction of a kitchen, spiritual centre and a geriatric unit.

FINDINGS

WORKPLACE

1. That industry and activity similar to the horticultural, waste reduction and recycling and animal welfare style activities currently in operation at many secure Australian prisons is a cost effective and constructive way to quickly and easily improve the opportunities for meaningful work and activity by maximum and medium security prisoners. These projects would provide meaningful, productive activity for prisoners and an opportunity to positively contribute to society and, regarding animal welfare activities, to take responsibility for the care of those in their charge.
2. The lack of staff training in incident management and specialist skills identified in the 2005 Prins Review remains a problem within RPC.
3. The issues raised in the 2005 prisoner demands are almost precisely the same as those frequently raised by prisoners during confidential interviews in the current Inquiry process.
4. Across all disciplines, staff told the Inquiry that they were frustrated by what they saw as unnecessary obstacles in performing their duties.

Many members of staff, from all disciplines within the RPC, were anxious to ensure that the Inquiry understood that their roles, with appropriate support, could be more effective and rewarding.

5. Within the RPC, there is a lack of effective leadership; a volatile environment of distrust and industrial tension; a serious lack of commitment to workplace health and safety; a lack of respect for prisoners by some officers and a silo mentality particularly between uniformed staff and everyone else.
6. Low staff morale is reflected in increasingly high levels of short term sick leave, some of which appears to be contrived and linked to an industrial agenda.
7. Factions operate as a counterproductive force at the RPC and are a contributory factor to continuing prison issues and the prevailing unstable situation.
8. The Senior Management Team was not visible in the Risdon Prison Complex during the Inquiry, nor was there evidence that members of the Senior Management Team routinely walked the corridors or engaged with staff or prisoners.

The Senior Management Team is seen by staff as remote and inward looking and a more enabling and consultative management/staff culture needs to be developed.

9. There is little factual or documentary evidence of the conduct of regular workplace consultative meetings.

CHAPTER 3 - FINDINGS

10. There is no evidence of any genuine commitment to the range of sentinel meetings that would ordinarily be standard practice in a well run contemporary prison.
For example, records for the period July to December 2010 show:
 - There were only four minuted meetings of the SMT (out of a possible 27 weekly meetings); and
 - RPC did not meet its legislated minimum number of four meetings of the Workplace Health and Safety Committee in the year.
11. Meetings between management and the local representatives of the two custodial unions are not formally structured or scheduled, rather, they are ad hoc and reactive.
12. There are no regular meetings between management and prisoner representatives from the various units.
13. Individual custodial managers are not held accountable for ensuring the attendance at training of their respective staff.
14. The subject of training is not routinely discussed at the SMT meetings and records show that during the period September to December 2010 in the four meetings held by the SMT training was not discussed.
15. The induction training of all new officers was to a large extent based on SOPs that have not been re-issued since 2006.

In many instances the SOPs are redundant or deficient and in some cases totally absent (e.g. Control Room, Sally Port and Reception).

16. The TPS does not have a policy of conducting formal training needs analyses.
17. The SOPs and practices relating to security, risk management, workplace health and safety, operational compliance and facility hygiene are inadequate.
18. There is no risk-driven audit schedule; or incident management reviews or follow-ups on corrective actions designed to address identified shortcomings.
19. There is no evidence of an effective incident management system to highlight areas of key risks and to develop and then ensure compliance to the preventive interventions. In addition there is no evidence of:
 - Active emergency planning;
 - A security committee;
 - Practicing evacuations; or
 - Fire awareness programs for staff or prisoners.
20. The room assigned as the Emergency Management Centre is inadequate for directing the response to a serious incident. Its primary purpose and design is to house computer servers and other IT equipment, it is hot and noisy, it is not secure and is too accessible to staff.

Mission-critical equipment is therefore insecure.

21. There are inadequate prevention strategies to reduce the risk of fire within the prison. There are insufficient controls over flammable materials. In addition, fire orders were not visibly displayed in the offices, the officer stations or in the accommodation units.

There was no evidence that daily checks include fire risk awareness. Nor any evidence that TPS practice evacuations from any of its RPC buildings.

22. There is no system requirement for daily cell and unit security checks and no evidence that routine daily cell and unit security checks were conducted.

23. RPC does not have a business continuity plan for an unplanned disruption to normal working.

Such a plan should document essential services, for example: the secure containment of prisoners; delivery of health services; court appearances; prisoner visits and meal services.

24. There is no evidence of a Director's Standing Order governing the separation of prisoners.

25. There is insufficient evidence of management commitment to workplace health and safety.

Given the industrial issues surrounding occupational safety issues at RPC it is difficult to understand why the Workplace Health and Safety Committee did not convene more frequently to discuss and try to resolve emerging issues. Only two meetings were held between January and July 2010, with no meetings held between July and December 2010.

Workplace Health and Safety meetings, agendas and minutes do not reflect contemporary health and safety debates.

26. The controls around housekeeping and hygiene at RPC are effectively non-existent. Regardless that the Department of Justice mandates that "...good housekeeping...is a responsibility of management..." there is no SOP that articulates management's approach to housekeeping or hygiene. There is no cleaning program identifying the required standards and what should be cleaned each day.

27. Recently purchased personal duress alarms are not completely electronically integrated into the established duress alarm system, consequently placing the staff at potential risk.

28. Inadequate management of the Perimeter Fence renders the RPC vulnerable and potentially places the community at risk.

The relevant SOP is deficient. The original SOP envisaged a vehicle patrol which no longer occurs, there is no compliance program to provide assurances that the Perimeter functions at its designed levels and no evidence that a manager or supervisor routinely walks the Perimeter to observe its condition or assess the compliance of patrolling officers.

29. The operations and management of the Control Room are not specified in a SOP and are therefore subject to individual interpretation. This poses a risk to staff, prisoners and prison security.

There is no evidence that a manager or supervisor routinely attends the Control Room to observe its operations or assess the compliance of the officers.

CHAPTER 3 - FINDINGS

30. Inadequate management of the Front Gate Reception renders the RPC vulnerable and potentially places the community at risk.

There is no overriding SOP detailing how the Front Gate Reception should operate. There is no evidence that a manager or supervisor routinely attends the area to observe its operations.

Many staff were not confident in their ability to operate the WTMDs and x-ray screening equipment and had received no refresher training since their initial recruitment.

31. Inadequate management of the Sally Port renders the RPC vulnerable.
There is no overriding SOP detailing how the Sally Port should operate. There is no evidence that a manager or supervisor routinely attends the area to observe its operation.
32. The management of prisoner counts is defective.

Prisoners are not routinely identified by photograph and consequently management cannot be certain for example that:

- ▶ A predatory prisoner has not been secured with potential victims; and
- ▶ A prisoner has not exchanged places with another.

There is no evidence that a manager routinely attends the Control Room to supervise the prisoner count.

33. Prisoner out-of-cell time is not managed in accordance with prison expectations.

Records show that staff routinely recorded the times of unlocks at 07:30am, but the Inquiry observed significant variations which always resulted in a reduction in time out of cells or accommodation rooms for prisoners.

34. Inadequate management of searching and screening renders the RPC vulnerable.

There was no evidence of a risk-based system of regular, routine, random and unannounced searching of buildings, fixtures, vehicles, visitors and staff.

Controls are virtually non-existent and the relevant SOP is deficient.

There is no evidence that a manager or supervisor routinely attend any cells, area or strip searches to observe practices.

35. The relevant SOP for strip-searching at Risdon Prison maximum and medium security units is deficient.

The SOP does not provide sufficient guidance to officers on how to conduct a strip search.

The Inquiry was concerned that there was no strip search register in the Visitors Centre.

36. The SOP at Risdon Prison on key security is deficient and the management of keys and handcuffs is not adequately controlled.

37. The Inquiry was advised that there is no Director's Standing Order governing the type and use of mechanical restraints and the records show that one has not been issued since October 2006.

The use of restraints appears to be solely at the discretion of individual officers.

38. The control of tools, sporting equipment, culinary equipment, and utensils is effectively non-existent. The limited requirements of the SOP are not effectively implemented and there is clear evidence of serious failures.

There is no evidence that a manager or supervisor routinely attends any area that uses tools, implements or recreational equipment to observe the operation/activity or staff compliance.

PRISONER TREATMENT

39. Almost half the prisoners at RPC who were interviewed or answered a confidential questionnaire, reported feeling unsafe themselves, or that they were aware that other prisoners were being bullied.
40. Protection prisoners are too easily identifiable to other prisoners and are insufficiently physically protected.
41. RPC has not made any provision for managing the physical and mental needs of geriatric prisoners.
42. Custodial staff have in many cases withdrawn from engaging with prisoners and this exacerbates tensions, eroding both unit or interactive management and dynamic security.
43. Many prisoners told the Inquiry that there is a lack of fairness in their treatment.
44. There is inconsistency in the use of instruments of restraint. In most jurisdictions such use is prescribed in legislation.
45. The regime in place in the Tamar unit (and to a lesser extent in Huon) has taken nearly all privileges from prisoners and left them feeling they have nothing left to lose. This is both counter-productive to positive behaviour change and dangerous in that it is eliciting the very behaviour it is seeking to control.

"...there's just free for all in here, there's no structure to the system ... anyone can come in and run it however they want ...there's no accountability, there's no transparency... it could be a bit more disciplined than it is and a bit more harder in some ways..."²

46. That prolonged prohibition on contact visits is an extreme punishment, removes a core incentive to good behaviour and runs counter to the rehabilitative value of family visits.
47. In the main, prisoners are treated civilly by custodial officers, however a number custodial officers are disrespectful in their treatment of prisoners.

CHAPTER 3 - FINDINGS

48. There is no effective staff performance management system and this is contributing to the uneven and, at times, disrespectful treatment of prisoners.

Inconsistent management and standards by custodial staff confuse prisoners and lead to strained relationships.

Prisoner perspectives on their treatment by staff are varied.

“the majority of custodial officers work with prisoners ok”³

“...only by 20 per cent of staff...don’t have attitude problems...”⁴

“...some custodial officers play cards with you one moment, and then when other prisoners are around their mood changes and they get nasty...”⁵

49. The concept of unit management is not widely understood and poor interactive practices are not being confronted by supervisors and managers.
50. The lack of employment, programs and education available to prisoners was the number one concern and complaint of nearly all custodial officers, supervisors and managers who spoke to the Inquiry. It was seen to be leaving prisoners bored and undermining the concept of a structured day and Integrated Offender Management.
51. There is a disconnect between custodial and Integrated Offender Management imperatives that is breeding a competitive rather than a collegial relationship. Multi-disciplinary management is conspicuous by its absence.
52. The concept of case management is not widely understood. Case management has become an administrative process which operates without regard to its purpose and with an emphasis on process over outcomes. For example, an audit process on case management notes appears concerned only with the fact that notes were written rather than the quality of the notes themselves.
53. Most prisoners in maximum and medium security units are bored by inactivity and are simply being warehoused, rather than being purposefully case managed through re-offending programs and other constructive activities.
- “...we’re in limbo in here...”⁶*
54. There is inadequate data collection on program needs and the extent to which they are being met.
55. There are insufficient staff resources for prisoner education.
56. There is a re-furbished education and programs centre in medium security but the administrative office space has been occupied by custodial staff to the exclusion of educators and programs staff. This operates to limit access and the ability of educators and programs staff to deliver services to prisoners.
57. An absence of traineeships and apprenticeships integrated into in-prison industries and linked to external industries is reducing the capacity of the prison system to provide prisoners with job-ready skills after release.

58. The lack of prisoner work is directly contributing to the idleness and boredom of prisoners and to ongoing problems of disorder.
59. A number of Workplace Health and Safety issues that affect prisoners and staff require urgent attention.
60. Any closure of the Hayes Prison Farm will reduce the placement options for prisoners and this is a continuing difficulty for the TPS.
61. Apart from a proposal to expand the Laundry, the prison industries business plan does not appear to include any new employment opportunities in the RPC where considerable unemployment and under-employment of prisoners are creating significant difficulties.

Prison industry is driven solely on returning a profit not on prisoner work opportunities or on prisoner rehabilitation and training as part of a structured integrated rehabilitation program, which one would expect to see in place in contemporary prison practice.

62. The Wilfred Lopes Centre and its staff provide an excellent service to prisoners with mental health needs. The Chief Clinical Psychiatrist has indicated his willingness to get involved as part of a multi-disciplinary team to develop appropriate regimes for better managing challenging behaviours such as in the Tamar unit.
63. Prisoners were being provided with fresh sandwiches and salads for lunch and a hot meal in the evening and special dietary meals were available if approved by a doctor. However, most prisoners are unhappy with the meals that are provided. The evening cook/chill meals in particular were criticised as watery, tasteless and served up on occasion well passed the used-by date and are simply thrown away.
64. Prisoners who are concerned about their food have no way of making a complaint short of throwing the food away.
65. Although women prisoners have a self-catering kitchen available to them, their access to it is minimal and this limited use denies them an important life skills experience.
66. There is an acute lack both of accommodation and work options for released prisoners including those on parole and this is not conducive to reducing re-offending.

PRISON PHYSICAL INFRASTRUCTURE

67. While some of the identified operational deficiencies have been aggravated by limitations in the physical structure of the new RPC many of them can and must be improved regardless of the decisions made in regard to the Prison Infrastructure Redevelopment Program.
68. The infrastructure identified for construction under Stage D Part 1 is important if not vital to creating and maintaining a dynamic, healthy prison environment which reflects contemporary prison practice.
69. Unless meaningful improvements are concurrently made to both the RPC infrastructure and to existing management and operational practices, the current situation of industrial disputation and prisoner unrest will continue to deteriorate.
70. If genuine and meaningful achievements are to be made within RPC it will be important to minimise any delay in building all of the above Stage D Part 1 facilities.

TERMS OF REFERENCE AND METHODOLOGY

On Tuesday 12 October 2010, the Minister for Corrections and Consumer Protection, the Hon. Nick McKim MP, delivered a Ministerial Statement to the House in which he announced that an independent Inquiry would be undertaken into security issues at the RPC and during which he released the Inquiry Terms of Reference.

In announcing the Terms of Reference, the Minister made it clear to the House that the terms were developed with the input of relevant unions.

Essentially the Terms of Reference stated that:

The Inquiry will investigate, examine and report on matters relating to the design, construction and operation of the Risdon Prison Complex (RPC).

This Inquiry is to make recommendations about the future operation of the prison to ensure:

- *A secure environment to safely contain prisoners;*
- *A work environment that is safe for staff;*
- *A positive workplace culture to deliver the organisational goals;*
- *The appropriate treatment of prisoners in compliance with legal and ethical requirements.*

In particular the Inquiry will:

- *Examine and make findings on the sequence of events that gave rise to the relocation of prisoners from maximum security units within the RPC on October 1, 2010;*
- *Examine and make findings on the physical infrastructure of the prison, its design and construction, associated legal and/or contractual matters, and any remedial works required;*
- *Examine and make findings on the occupational health and safety of the prison as a workplace;*
- *Examine and make findings on the conditions for prisoners.*

The Inquiry must consider the views of stakeholders including:

- *Staff of the Tasmania Prison Service (TPS) and their Unions;*
- *Staff of the Department of Justice;*
- *Prisoners accommodated within the RPC;*
- *Staff of the Department of Health and Human Services;*
- *Any other stakeholders the Inquiry deems appropriate.*

The immediate focus of the Minister was on correcting the structural issues at RPC as quickly as possible and returning maximum security prisoners to their normal accommodation. However, importantly, the Minister made it clear that, in the longer term, his focus was on providing a safe and secure working environment for all prison staff and ensuring humane conditions and appropriate rehabilitative services existed for prisoners. These broader priorities are clearly reflected in the Terms of Reference of this Inquiry.

CHAPTER 4 - TERMS OF REFERENCE AND METHODOLOGY

The Inquiry began on 17 October 2010 and involved a series of site inspections and observations at the RPC, the Hobart Reception Centre and at interstate prison facilities, interviews with operational and management level custodial and non custodial staff, RPC prisoners, external stakeholders, including Prison Action Group and Non Government (NGO) representatives, Official Visitors, union representatives, senior officers from Workplace Standards Tasmania, former TPS staff, and prison professionals from other Australian jurisdictions. State-wide advertisements were placed in The Mercury and in the Examiner newspapers inviting people to make written submissions and an invitation was made for people to submit information online via the Tasmanian Department of Justice website.

The Inquiry team included two experienced and respected prison specialists: one with whole of life experience as a corrections officer including service as a prison governor in ten prisons in three Australian jurisdictions; and the other with extensive prison related administrative experience, and as a Director (including Director of Operations) in the West Australian Office of the Inspector of Custodial Services; two people with extensive practical workplace health and safety experience; an officer from WorkCover Tasmania; a number of experienced investigators and a research-writer.

Extensive site inspections and observations were conducted at the RPC maximum and medium security units, the Mary Hutchinson Women's Prison (MHWP), the Ron Barwick Minimum Security Prison (RBMSPP) and the Hobart Reception Prison. At the suggestion of prison health practitioners an inspection was also made of the Wilfred Lopes Centre which is adjacent to the RPC.

Within the RPC maximum and medium security units, inspections included observations of change of shift arrangements and prisoner lockdown and unlock procedures. In all facilities, inspections were conducted of the full range of workplace health and safety practices including prison cleanliness, tool and key security, reception, entrance, egress and sally port security, visitor centre arrangements, control room and operational centre facilities and management practices.

Inspections were also conducted of health, education, workshop and recreational facilities and of the Integrated Offender Management (IOM) Unit.

As part of a thorough TPS document assessment, reviews were conducted of Director's Standing Orders (DSOs), Standard Operational Procedures (SOPs), case management notes, minutes and records of SMT meetings and Workplace Health and Safety (WH&S) meetings, and other relevant operational practice documentation including 'all staff' emails.

In the early weeks of the Inquiry, the Inquiry Head met RPC staff at a lunchtime meeting. He introduced members of the Inquiry team and provided staff with an outline of the way the Inquiry would run. He also requested the assistance and cooperation of staff with the Inquiry process. This briefing was confirmed in an 'all staff' email which outlined the issues mentioned during the briefing for the benefit of staff unable to attend the briefing session and invited staff to volunteer or agree to be interviewed by members of the Inquiry team.

As a consequence 89 custodial and non custodial staff were interviewed including members of the Tasmania Prison Service Senior Management Team and other management level staff.

CHAPTER 4 - TERMS OF REFERENCE AND METHODOLOGY

To expedite the interview process and with the assistance of TPS management and operational staff, arrangements were made to conduct three concurrent staff interviews at the rate of about 12 interviews per day over a period of eight days. Each interview lasted on average about 1½ hours. Staff spoke openly and freely and some sought additional interviews which, in each case, were facilitated. The information they provided contributed substantially to the Inquiry process and final outcomes.

At the request of a union delegate, a staff questionnaire was also prepared and circulated to all staff to enable those who chose not to be interviewed to contribute to the Inquiry, including by way of anonymous submissions, and to allow staff who had been interviewed to add additional information. Twenty five questionnaire responses were received.

A summary of the issues raised in the public written submissions is outlined separately in Annex 1 of this report.

A similar approach was adopted for prisoners although, due to the obvious communication restrictions applying to prisoners, the invitation to participate in an interview was circulated as a hard copy questionnaire delivered to every prisoner within the RPC. (See Annex 2 for a copy of the questionnaire).

The prisoner questionnaire raised a series of questions in relation to prisoner management and treatment; it requested prisoners to write answers to the questions in spaces provided and provided them with an opportunity, by simply circling a 'yes or no' option, to indicate whether they were willing to be interviewed by the Inquiry team.

Each questionnaire was accompanied by an envelope with advice to prisoners that their questionnaires if completed, should be sealed in the envelope and would be delivered directly to the Inquiry team without being subject to the usual security screening by TPS staff and would be treated in confidence by the Inquiry team.

There were 86 completed prisoner questionnaires which were received while 66 prisoners requested personal interviews. Due to the potential sensitivity of prisoner interviews, a request was made of each prisoner that they agree to their interviews being audio recorded. With only one exception, all prisoners agreed to this procedure. At the start of each interview an assurance was given that the contents of the interview, would, as with staff, be treated in confidence and that individual prisoners would not be identified in the report. Again prisoners spoke openly and freely to members of the Inquiry team.

In addition to the operational aspects of the Inquiry an examination was made of the Tasmanian *Corrections Act 1997* and other relevant Tasmanian legislation, a range of international prison related studies and major Australian and international prison related inquiries and reviews, including two key documents produced by the International Centre for Prison Studies⁷, the England and Wales Inspector of Prisoners 'Expectations'⁸, the Standard Guidelines for Corrections in Australia – 2004⁹, and the International Covenant on Political and Civil Rights¹⁰.

Particular regard was given to the 'Review of Operational Response – Hostage/Siege Situation Occurring at Risdon Maximum Security Prison on the 7,8 & 9 May 2005' by Luppó Prins, and the 'Risdon Prison Complex Tamar Unit and Behaviour Management Program Investigation Report June 2010' prepared by the Tasmanian Ombudsman.

CHAPTER 4 - TERMS OF REFERENCE AND METHODOLOGY

As a consequence of the methodology adopted above, this report is, by design, an amalgam of pragmatic, practitioner based, opinions and conclusions and prison related research. This combination is aimed at providing a solid and empirically sound basis for each of the findings and recommendations in the report.

The Report reflects the consistent opinions of all members of the Inquiry team and draws heavily on the knowledge and experience of the two prison specialists. Summary notes of the issues identified by individual Inquiry team members as those they independently considered to be of most concern and importance are contained in Annex 4 to this report. Readers are encouraged to review these individual summaries as part of any consideration of the findings and recommendations in this Report.

BACKGROUND AND CONTEXT

THE IMMEDIATE MOTIVATION

Following a serious assault on six correctional officers by a number of prisoners in the maximum security precinct of the RPC on 22 September 2010, and a number of consequent disruptions which occurred over the following several days, the Hon. Nick McKim MP, Minister for Corrections and Consumer Protection, announced in a Ministerial Statement to the House on Tuesday 12 October 2010 that he had ordered an independent inquiry into security issues at RPC.

In his statement the Minister provided some background into how the situation developed.

In summary, in a period of less than one month, six correctional officers were seriously assaulted, a number of cells within the maximum security precinct were damaged and in some cases breached and ultimately 69 maximum security prisoners were relocated from the maximum security area of the prison to the hastily re-commissioned Divisions 5 and 6 within the RBMSP.

While the immediate focus, which the Minister identified in his statement, was on fixing structural issues within the RPC as quickly as possible and returning maximum security prisoners to their normal accommodation, a number of longer term priorities were identified. In particular, the Minister emphasised that his focus was also on “providing a safe and secure working environment for our prison staff while ensuring humane conditions and appropriate rehabilitative services for our prisoners”.¹¹

These later issues were expressly included in the Terms of Reference which led to this Inquiry.

While assessing the immediate incidents of late September and early October which directly gave rise to the decision of the Minister to announce this Inquiry it became apparent that those events fell against a backdrop of other events. A number of separate incidents had occurred within the Risdon Prison environment over several previous years and these needed more careful examination in order to fully understand the causal factors behind the current situation.

These incidents included a hostage siege in May 2005 and a second siege situation in April 2006.

Additionally, relevant concerns had been raised in a report submitted by the Ombudsman in June 2010 arising from an investigation into a number of complaints and notifications made to the Office of the Ombudsman during 2007 and 2008.

These incidents and issues are explained in more detail later in this chapter. However, they are particularly important in the light of findings of respected research of prison behaviour and operational practice from which it appears clear that, overwhelmingly, serious prison disruption or riot is a consequence of an escalating series of incidents within the prison environment rather than a single issue.

CHAPTER 5 - BACKGROUND AND CONTEXT

THE IMMEDIATE TIMELINE

The immediate timeline which preceded the Minister's decision to announce this Inquiry began with assaults on correctional officers by prisoners on 22 September 2010.

The short facts listed below summarise the events and are based on the timeline of incidents produced by the prison immediately following the event.¹²

22 September 2010 Two prisoners were involved in criminal damage in the Tamar Unit, the maximum security area of the prison. The incident was initially reported as a hostage situation and the TRG was deployed to deal with prisoners.

Immediately following this, a rolling lockdown was undertaken across the entire RPC, including the women's prison and the minimum security facilities.

As the lockdown was carried out, six officers were assaulted, some seriously, in the Derwent B Unit. Again the TRG was deployed and the situation was resolved.

23 September 2010 The Minister announced that a review of the risk management process assessing the safety of staff at RPC maximum security would be conducted by Workplace Standards Tasmania. Work on establishing the review had been occurring for some time and the Terms of Reference had been agreed prior to the assaults.

A management approved lockdown of maximum and medium security areas continued with the expectation that the prison would return to normal operations by 25 September.

24 September 2010 The lockdown continued, although staff were delivered instructions to open the RPC facilities.

Staff would not agree to open particular areas of maximum (Derwent B, Tamar and Franklin) stating they had concerns over staff safety.

Negotiations between management and union delegates began with the stated aim of reopening the Tamar and Franklin units.

The Derwent B unit remained closed due to damage from events on 22 September.

25 September 2010 Medium security was reopened and normal operations resumed.

The maximum security area was reopened with the exception of Tamar and Franklin (staff initiated lockdown) and Derwent B.

26 September 2010 The Tamar and Franklin units remained in lockdown – staff said they needed to undertake cleaning and other administrative duties before the units could be opened the next day.

Management instructed staff to unlock Derwent B unit – staff refused, citing staff shortages and incidents occurring within other parts of the facility.

27 September 2010

The prison continued operating as the day before.

At approximately 1:30pm a prisoner (Prisoner A) was discovered on the rooftop of the Derwent units and a Code White (prisoner escape) was called. The prisoner demanded an independent psychological assessment, bottled water and tobacco for himself. A few hours later he surrendered and an independent assessment was undertaken at 3:05pm. It was discovered that during the course of damaging his cell he fashioned a makeshift tool to aid in the subsequent breach of his cell.

Following this incident, the TPS undertook an investigation which included a risk assessment as to what immediate action was required. An action plan was instigated to ensure the integrity of the maximum security unit, including rostering additional staff and an operational response for any future attempts to breach cells.

Management and union officials met to assess the position of staff.

28 September 2010

The Tamar and Franklin Units remained in union initiated lockdown while Derwent A and Derwent B operated under partial, union-initiated, lockdown. The reasons stated for the lockdown were:

Derwent A: 13 prisoners allegedly non-compliant with staff instructions related to incident of 22 September. Prisoner A caused further damage to his cell and was removed to a cell in the Franklin unit.

Derwent B: 9 prisoners allegedly involved in incident of 22 September.

29 September 2010

Prisoner A caused further damage to his cell, in what was believed to be a possible attempt at escape. He was relocated to another cell. The operational response prepared on 27 September was initiated and the intervention was successful.

Further discussion continued between union delegates and management.

30 September 2010

The maximum security precinct operated under total (union-initiated) lockdown.

There were ongoing meetings between union organisers and management. Many short term demands were agreed in an effort to resume normal operations.

The Minister was advised that some prisoners had not been receiving their daily entitlement of out of cell time for the preceding week due to lockdowns imposed by staff. The Minister immediately asked the Department of Justice to list the matter in the Tasmanian Industrial Commission (TIC).

CHAPTER 5 - BACKGROUND AND CONTEXT

1 October 2010

As part of the TIC process on 30 September it was agreed with management that as from 2 October all prisoners were to receive at least their legislated minimum out of cell time (at least an hour each day).

After a series of meetings, staff continued to reject management proposals and as a consequence staff were advised that the matters would be referred to the industrial commission.

At approximately 3:00pm it was discovered that another prisoner (Prisoner B) had breached his cell at the rear of his toilet.

All 79 cells within the maximum security area were inspected and three cells were found to have been similarly breached and fire damage was discovered in another cell.

At 4:43pm an emergency incident was declared by Acting Director of Prisons, Greg Partridge and a full major emergency plan was activated.

2 October 2010

A decision was taken, in the interest of security and safety of prisoners and staff, that prisoners were to be relocated. Planning for the move started immediately and the decision was taken to recommission Divisions 5 and 6 within the RBMSP and transfer prisoners there.

At 12:15am the relocation began.

In total 69 prisoners were relocated to the following areas:

- 5 prisoners to the medium precinct of RPC;
- 2 prisoners to the Hobart Reception Prison;
- 28 prisoners to Division 6 – RBMSP;
- 30 prisoners to Division 5 – RBMSP;
- 2 prisoners to the Crisis Support Unit – RPC;
- 2 prisoners to the Mersey Unit – RPC.

The relocation concluded at approximately 5:45am.

However, this timeline alone is insufficient. Notwithstanding the assaults of 22 September 2010 and the series of cell breaches which occurred during the following days, an examination by the Inquiry of the history of Risdon Prison over the previous several years shows the prison had suffered a series of incidents which appear to have significantly contributed to the issues of 22 September.

The major incidents are summarised below. While these summaries highlight a range of potential underlying causal issues, nothing contained in this report should be taken to suggest that assaults against TPS staff are condoned or in any way justifiable.

The safety of prison staff is of paramount importance.

However, in the course of the Inquiry it became apparent that a range of wider underlying issues existed, including: an absence of clear leadership, poor and ineffective communication and management of staff relationships, low staff morale, inadequate in-service training for staff, and an unpredictable and inconsistent regime for maximum security prisoners, frequently resulting in excessive boredom. All are likely to have contributed to the events that culminated in the necessary relocation of prisoners on 2 October 2010 and the subsequent issues and industrial tension.

HOSTAGE/SIEGE SITUATION 2005

During the period 7-9 May 2005, before the new prison opened, a significant hostage situation occurred in the old Risdon Prison (now operating as the RBMSP).

On Saturday 7 May, 19 prisoners, from Divisions 4 and 5, forcibly entered the Prison Reception area, overpowered the reception officer and took him hostage. The main point of protest regarded the living and working conditions for prisoners within the prison and for the next 41 hours a siege situation continued.

The incident was successfully resolved through a process of bargaining and negotiation. The hostage was released unharmed and the 19 prisoners surrendered. The Department of Justice Annual Report 2004-05 noted that over this period,

*“The increase in prisoner numbers beyond design capacity placed prisoners and staff under unprecedented pressure. This was manifested by a high incidence of assaults and, in particular, by the hostage/siege incident that occurred on 7-9 May 2005...”*¹³

On 25 May 2005, the Tasmanian Department of Justice engaged an independent consultant, Luppó Prins, a former Tasmanian Police Assistant Commissioner, to conduct a review of the incident which was titled ‘Review of Operational Response’.

The Review, as defined by its Terms of Reference, was restricted to examining the quality of the initial response and whether it was appropriate and an examination of the use and reliability of intelligence, internal and external cooperation, and related security processes, DSOs and SOPs.

Consequently, the Review essentially focused only on the symptomatic issues of the prisoner unrest, the actual hostage taking and the TPS operational response to the incident, rather than on any broader causal factors that may have given rise to the situation itself. In short, on the spark and not the powderkeg.

A total of 34 recommendations emerged from the review and covered a range of issues. Some dealt with the physical structure of the prison and these changes were implemented quickly, others were dealt with at the time the facilities were transferred to the new prison in 2006.

Other recommendations covered the modalities in place to deal with such siege situations.

A serious issue that was identified was the apparent deficiencies and limitations of intelligence gathering. In particular, the review found that some custodial officers had been made aware, through conversations with prisoners, that there was a likelihood of a siege, or at least some kind of “incident”. In one case officers allegedly received intelligence from one prisoner. While this information was passed upwards (verbally) and through an intelligence and information sheet, and latterly in an e-mail to some staff, many key staff were apparently not adequately informed.

*“... an examination of reports submitted in relation to this and other similar incidents also suggest there may be a general reluctance of custodial officers to submit reports about incidents or events, which occur during their shift or performance of duty...”*¹⁴

CHAPTER 5 - BACKGROUND AND CONTEXT

Communication between the forward command post and the TRG also appeared less than satisfactory. The TRG role was to contain the situation and to provide protection to the negotiator when he crossed the yard to drop off food/medicine. However, throughout the siege, the TRG group said they felt inadequately briefed and trained and that management had little interest in their role and welfare.¹⁵

The review also identified that there was a distinct lack of training for staff, particularly in the areas of major incident management and specialist skills, with some officers much more highly trained than others. For example, none of the three primary negotiators had undertaken any formal training in negotiation.¹⁶

Finding 2

The lack of staff training in incident management and specialist skills identified in the 2005 Prins Review remains a problem within RPC.

The siege also highlighted the lack of clear guidelines for the command, control and management of hostage situations in association with the Tasmanian Police, "...there is absolutely no way that those specialist police officers would have taken orders from a non police commander in an operational deployment and therein lies a problem where there is any type of dual control of an incident."¹⁷

Despite the review finding that, "the initial response to the incident and the internal cooperation of the specialist areas of the Prison Service was excellent"¹⁸ it is clear from the above examples of administrative breakdown that some aspects of the prison, particularly with regards to communication and training, were not functioning as well as they could. That this could also be observed again in 2010 might suggest a persistent or even endemic situation.

During the early part of the siege, prisoners effectively used the media to air their grievances. They had access to five external telephone lines and a number of mobile phones before the lines were disconnected by police.¹⁹

The prisoners also issued demands, initially verbal, noted down by the Chief Custodial Officer and, latterly, they issued two demand letters. The first letter of demands was collected around 10:30am on Sunday morning and contained seven demands. A few hours later, at 1:30pm, a second demand letter containing a further 24 demands was released. Demands issued by the prisoners centred on conditions within the prison including: excessive lockdown time, broken promises, poor disciplinary procedures, overcrowded divisions and yards, lack of access to adequate medical and dental facilities, unhealthy food and lack of employment, education and rehabilitation opportunities for prisoners.

The issues raised by prisoners at this time are particularly relevant as they overwhelmingly reflect issues raised by prisoners during recent interviews as part of the current Inquiry and otherwise identified by Inquiry team members. The range of issues and the nature of the prisoner complaints, as relating to the 2005 incident, can perhaps best be identified and understood by reference to the hand written prisoner demand sheets delivered to TPS at that time.

1. Conditions to change in the D7-D8 and Jail
2. Officers ~~changed~~ changed in D7-D8 to reasonable staff.
3. Such as doors being locked down in D8 all day left open.
4. Look at new segregation plan regarding D7/D8 inmates.
5. Kangaroo Court on disciplinary actions with officers changed.
6. No more dangling carrot taken away.

amp

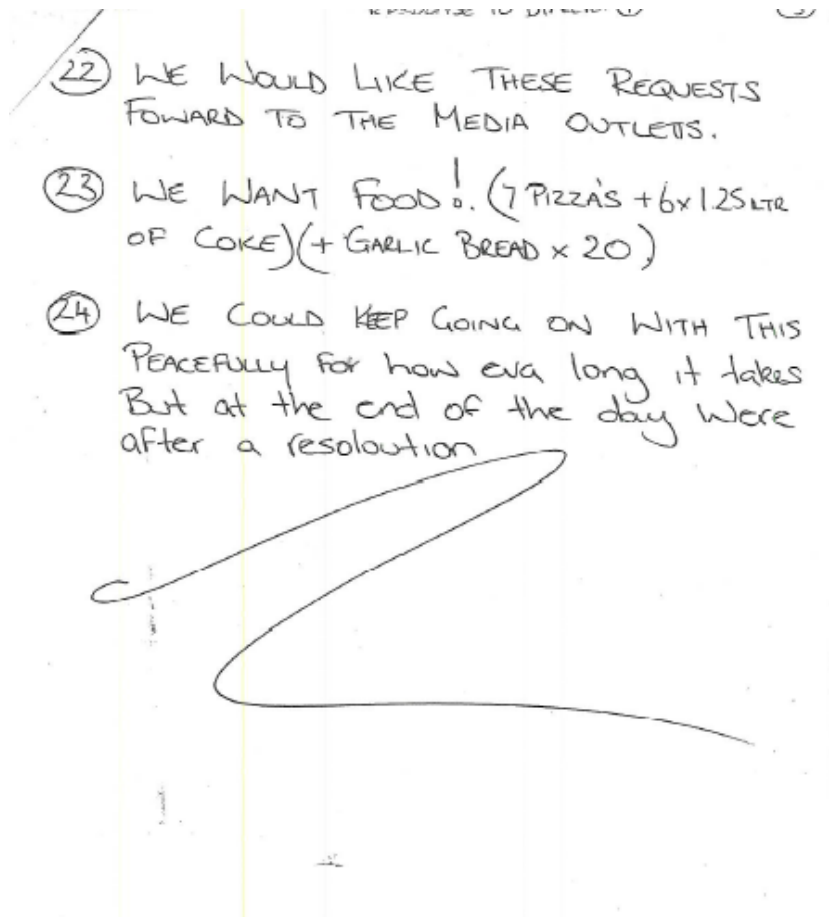
mainstream
1. generally overhaul
of yard living.
existing
~~had~~ lockdown
No Rehabilitation

- Response to Director (U) (3)
- ① NEW STAFF FOR 7 & 8 WITH OUT ATTITUDE ISSUES, THAT MAY HELP WITH THEIR REHABILITATION.
 - ② MORE TIME FOR DIVISIONS CELLS TO BE AIRED OUT DUE TO HAVING TO SHARE CELLS, INCLUDING DW 8.
 - ③ DOCTOR ON CALL TO INMATES WHEN NEEDED NOT UP TO A MONTH LATER.
ALSO DENTIST.
 - ④ DISCIPLINARY ACTIONS DELT WITH A HEARINGS OFFICER NOT EVERY TOM, DICK & HARRY.
 - ⑤ CANTEEN SUPPLYS AJUSTED AS NOT ADIQUIT.
(WE WERE PROMISED 4 NEW ITEMS BUT ONLY GOT 1.)
 - ⑥ OVER CROWDED DIVISIONS DUE TO YARD BEING HALVED IN SIZE.
 - ⑦ SHOULD BE ABLE TO CLEAN DIVISIONS WHEN NESSASARY NOT ONE A WEEK.
 - ⑧ EATING IN YARD IS UN HYGENIC HAS TO BE BE RECTIFIED, AS WE HAVE PERFECTLY GOOD MESSROOMS TO EAT IN.
 - ⑨ SANDWICHES AND MAIN MEALS NEED FIXING AS THERE IS NO GOODNESS IN FOOD THATS BEEN COOKED THEN REHEATED A FEW DAYS LATER. (HAS TO BE ASSESSED)
 - ⑩ AFTER COMPREMISING ON THIS SITUATION HE WOULD LIKE TO BE LOCKED DOWN IN OUR OWN CELLS IN OUR OWN DIVISIONS UNTIL CHARGES ARE LAYED

CHAPTER 5 - BACKGROUND AND CONTEXT

ONCE CHARGES HAVE BEEN LAYED WE WANT NO INTERNAL BULL SHIT !.

- ⑫ WHEN NEGOTIATIONS ARE OVER WE'D LIKE A THIRD PARTY TO LOOK OVER OUR REQUESTS; CAROLINE DEAN OR MICHAEL HODGMAN.
- ⑬ PAY RISES ASSESSED IN NEAR FUTURE.
- ⑭ MORE EMPLOYMENT FOR DIVISIONS 4 & 5.
- ⑮ DISCIPLINARY PROCEDURES IN GOAL HAVE TO BE LOOKED AT, (INMATES ARE BEING PUNISHED 2 OR 3 TIMES FOR THE SAME THING.)
- ⑯ SET RATE FOR ALL PHONE CALLS BEING LONG DISTANCE OR NOT AS WHEN THEY WERE PUT IN YARDS WE WERE TOLD BY LAST MANAGEMENT THAT AFTER 5 YEAR IT WOULD BE A SET RATE THAT WAS IN 1995.
- ⑰ ONCE SITUATION IS RESOLVED EACH OF US WANT A PHONE CALL TO OUR FAMILYS.
- ⑱ CAN WE HAVE A REPRESENTATIVE COME AND PEACEFULLY RESOLVE THIS MATTER IN A FACE TO FACE MATTER (PREFERABLY CO COLIN GEORGE AND CONWAY RICHARDSON).
- ⑲ EXERSIZE EQUIPMENT IN YARDS ECT. (PUSH UP BARS + PULL UP BARS).
- ⑳ REHABILITATION PROGRAMS TO BE ESTABLISHED WITHIN THE PRISON SYSTEM.
- ㉑ WERE SICK OF BEING TREATED LIKE SHEEP.



Due to the restrictive nature of the Terms of Reference limiting Mr Prins in his 2005 Review, he was not authorised to examine and analyse the issues which may have given rise to the siege itself. No adequate examination appears to have been conducted of the accuracy of the prisoner demands nor of the underlying operational practices which may have given rise to them.

Finding 3

The issues raised in the 2005 prisoner demands are almost precisely the same as those frequently raised by prisoners during confidential interviews in the current Inquiry process.

CHAPTER 5 - BACKGROUND AND CONTEXT

The following extracts from recent prisoner interviews serve to illustrate this point.

“...you just wake up, there’s nothing. Your day’s nothing, it’s just like sleepin’ in your bathroom and the only exercise you get is in your carport for three hours. There’s no natural sunlight, they’ve got the roofs covered up, or there’s probably about four ft of natural sunlight, you got to stand in the one spot there, but other than that it’s covered. They weren’t always covered...”²⁰

“...you can’t clean the division. The wardsmen can’t clean it because no sooner they clean it there’s maybe 10 people running over the exact same spot, garbage piled up along the door; you’ve got your toilet right next to where you’ve got to eat and make your meals and the sink, it’s just disgusting like...”²¹

“... no, there’s nothing like, there is no fairness to it, they pick and choose who they want to move on and then they’ll use another group of people to use as, as a deterrent to other people, and it’s the same people who they’ve been doing it to for years and years and years and with the violence, no one wants an extra day in prison, and when people are sacrificing years and years and years, there’s a big problem going on. Like this is, you get your odd idiot in here but if the prison was running fairly and everyone was just moving through and had their own goals, no one would support them people because when you’ve got groups coming together and it’s like a [sic], well it’s a big problem...”²²

Concurrent to the 2005 review being conducted, an advocacy group for the prisoners, Prison Action and Reform were making statements in the media on behalf of the prisoners,

“We have warned the attorney general’s department over many months that [the situation] was reaching crisis point at the prison... Prisoners feel that they have not had their voices heard by the management and that their complaints haven’t been taken seriously, let alone addressed.”²³

Soon after publishing of the review, the Department of Justice stated that the “majority of the recommendations have been implemented or are being implemented”.²⁴

Regardless, similar issues have continued to plague the facility and were frequently aired and clearly identified during the course of the current Inquiry.

APRIL 16-17 2006 SIEGE

In mid April 2006 another significant incident occurred in Division 4 of the old Risdon Prison when a correctional officer was overpowered, had her keys forcibly removed, and was ejected from the prison yard, allowing prisoners to take control of the division.

A siege situation resulted that continued from 10:00am Sunday 16 April until its resolution at 07:00am on Monday 17 April 2006. According to police reports, seven prisoners were charged with various offences including Criminal Code assault, common assault, destroying property, and recklessly discharging a missile. Substantial fire damage was caused to the Unit One Office within Division 4 during the siege but there was insufficient evidence to lay charges against any particular prisoner in regard to this incident.

The Department of Justice annual Report identified the central element contributing to this occurrence as, “the increase in prisoner numbers beyond design capacity continued to place prisoners and staff under significant pressure”.²⁵ While the assaults were completely unacceptable, the Inquiry believes that the causal factors were much deeper than the pressures caused by overcrowding.

THE NEW RISDON PRISON COMPLEX

In late August 2006 the new Risdon Prison was opened to house maximum and medium security prisoners. The old prison, renamed the RBMSP, was intended, at least in the short to medium term, as a minimum security prison. The RPC actually includes the new maximum and medium prison facilities, the MHWP and the renamed RBMSP. Frequently, the term RPC is used when referring only to the new maximum and medium security units. To avoid confusion, this report uses the term Risdon Prison when referring to the new maximum and medium security facilities. The women’s and minimum security prisons are referred to by their specific names and RPC is used only when referring to the entire prison complex.

Planning for the new Risdon Prison had been in gestation for many years and was precipitated by a major coronial inquest and major investigation by the Ombudsman into a number of prisoner deaths (in custody) between 1999 and 2000.²⁶

In 1999 The Legislative Council conducted a review into correctional services and recommended that,

“Because of the unacceptable conditions in which most of the prisoners are accommodated in the Tasmanian prisons there is a need for the new prisons to be built and operational at the earliest possible time.”²⁷

Shortly afterwards, in her report tabled on 27 March 2001, coroner Shan Tennant recommended that,

“the ideal may be the construction of an entirely new prison...”²⁸

Concurrently, calls for prison reform were being made in the media. An editorial in *The Mercury* newspaper on 28 March 2001 called for a new prison, describing the prevailing prison culture as one of “poor training, neglect, violence and ignorance that must be swept away before enlightened prison reform can be introduced”.²⁹ Soon after this article was published, plans to build the new prison were announced by the then Attorney-General, Peter Patmore.³⁰

Five years later, the new prison opened to a great deal of anticipation.

“The new prison complex finally provides us with an acceptable environment in which to incarcerate people who have been sentenced by the courts to prison.”³¹

Disturbingly, many of the endemic prison “cultural issues” identified during the 1999-2001 period were still clearly evident at the time of the current Inquiry.

OMBUDSMAN REPORT JUNE 2010

In September 2008 the Tasmanian Ombudsman's office began an investigation in reaction to a number of complaints and notifications the office had received during 2007 and 2008 concerning operations within the Tamar 'high risk management' unit at the RPC. The number and nature of complaints made the Ombudsman concerned about the conditions under which the prisoners in the unit were being held and about the manner in which the unit's Behavioural Management Program (BMP) was being administered.³²

The Report concluded with 15 recommendations which, in the Ombudsman's opinion, dealt with a situation that had resulted from a combination of factors, chief of which were poor planning, inadequate funding and outmoded correctional attitudes.³³

Given the motivational factors which prompted the current Inquiry, a number of issues identified in the Ombudsman's June 2010 report are particularly relevant to this Inquiry and throw these factors into a harsher light, a light some may view as indicative of systemic neglect.

In particular the Ombudsman's report identified that most senior staff interviewed, expressed 'disappointment with the fact that the therapeutic interventions intended for Tamar and the BMP are not taking place'. While recognising that a small proportion of difficult prisoners may require the employment of a strict containment and control model for staff protection, for prisoners and the institution as a whole it was expressly recognised that a "model that does not provide any interventions which assist prisoners to address both their inappropriate behaviour and the underlying reasons for it is not affording them the opportunity to change in a positive way, and to ultimately have the ability to lead a law abiding life".³⁴

As a concluding statement, the Ombudsman's Report found that "in the absence of any meaningful therapeutic component there is a strong argument that the Program (BMP) is not about behaviour management but is rather all about discipline."³⁵

In addition the report found "... there was something of a dichotomy in the culture and attitude of custodial officers, with some being focused almost exclusively on security and others more interested in interacting constructively with prisoners. This division was not dependant on the age or experience of the officers".³⁶

Management also saw that inconsistencies in staff standards was a significant hurdle to overcome, "... they won't comply with rules and they will let things happen that shouldn't happen or they won't do things they should do".³⁷

This breakdown in communication between management and staff, identified in the report, in turn led to the prisoners receiving little or no information on why they had been placed in the BMP. Before the prisoners were moved to the new prison there had been considerable discussion between correction staff and prisoners about expectations and what the new prison could provide. These included:

- ▶ More industry and increased opportunity for employment;
- ▶ More program intervention; and
- ▶ More educational opportunities.

The results arising from the failure to deliver these expectations were predictable.

*“...in any event, the shortfall in funding... meant that many of these intended initiatives could not be implemented and this led to a level of frustration among members of the prison population”.*³⁸

The Report indicates that prisoners felt the regime was unfair, restrictive and boring, some had no hope of release and others were not infrequently confined to their cell for periods of 24 hours or longer. The frustration felt by the prisoners aggravated an already unstable situation and the Inquiry notes that this discontent is a further probable cause of the situation which occurred in late September 2010.

BREACH OF SECURITY AT FRANKLIN UNIT – 13 AUGUST 2010

On Friday 13 August 2010 correctional staff in the master control room of the Franklin unit noticed on Closed Circuit Television (CCTV) that two prisoners were using a torn length of sheet in an apparent attempt to alter the state of their individual cell locks by manoeuvring the material against the locking mechanism.

One of the prisoners succeeded in corrupting the lock and opening his cell door before exiting and opening the cell door of the second prisoner, allowing both prisoners to move into and around the Franklin unit corridor. Toilet paper was placed over the unit CCTV cameras, restricting the ability of staff to observe prisoner behaviour. The prisoners then broke the glass in the TRG office door and damaged two fire sprinkler heads, resulting in fire alarms being activated and water flowing from sprinklers. TRG were activated and entered the Franklin unit shortly afterwards, taking control of the situation and escorting the prisoners to the Huon and Tamar units respectively.

RESEARCH

The above Risdon Prison related incidents assume greater importance and relevance when viewed in the light of international research and an examination of contemporary ‘best practice’ prison management and operation both in Australia and overseas.

THE CHALLENGE OF CHANGE SHIFT IN POLITICAL AND CULTURAL CLIMATE

Prisons do not operate in a vacuum and they are greatly influenced by their prevailing political and social climate. Over the past twenty years, prisons in western society have witnessed change and uncertainty across the spectrum of politics, economics and social arenas and, as a consequence, prisons have also become a focus for change. There have been some interesting policy and practical developments that have improved the life for prisoners and staff and shifts in penal culture which have seen increasing professionalism in prisons. There has also been a growing understanding that prisons are part of civil society and their successful management is a public service.³⁹ There is now an expectation that prison management should be dynamic and the process of management and operational practice involvement should be continuous.⁴⁰

CHAPTER 5 - BACKGROUND AND CONTEXT

Against this background of change, prisons are looking for more effective methods of managing offenders without compromising public safety. Meeting this challenge requires prisons to make effective use of resources and provide services to reduce offender recidivism. This involves not only providing adequate resources but having the willingness to provide the services and the belief that it can make a difference. It requires prison staff to at least acknowledge these factors, even if their skills and knowledge vary. To change the way they operate and do business is not an easy task. To face the challenge of change, international research has argued that correction agencies must:

- ▶ Rethink their missions and values;
- ▶ Gain new knowledge and skills;
- ▶ Adjust their infrastructure to support this new way of doing business; and
- ▶ Transform their organisational structure.⁴¹

Of course, this Inquiry recognises that to address each of these steps, in what is undoubtedly a difficult and challenging occupation, takes time. Further in this chapter the Report will detail what the Inquiry believes constitutes best practice in prison management.

CREATE A VISION

Research would argue that before the process of change can begin in a prison there must be an overriding vision of what the changed organisation will look like.⁴² The management of prisons is primarily about the management of human beings, both staff and prisoners, and this vision must be communicated clearly to everyone involved, prisoners and staff.

SHARE THE VISION

All of the research reviewed by the Inquiry emphasised that strong, visionary leadership is a must and prison managers set the tone. It is how they carry out their role that is the main influence on the ethos within a prison.⁴³ Prison Managers set down the parameters in which each task within the prison is carried out. Of course, "...if you are going to be successful in moving an organisation forward, strong leadership for change needs to be in place at every level".⁴⁴ Strong, involved leaders both at the top and at implementation levels are required and if staff are trusted and supported then change will be successful.

If, as stated earlier, good prison management is dynamic, then it is essential to ensure this dynamism does not become a tool for instability. To ensure that change does not become 'change for changes sake', prisons need to have a clearly articulated and agreed set of ethical values.⁴⁵ They also require strong leadership in which to operate to produce a safe, secure environment that respects human dignity.

The most crucial relationship when managing change in a prison is the fundamental relationship between staff and prisoners. "Between them, these two groups of people will have a greatest influence on whether the prison has human or inhuman environment and on whether the objectives set out by national or local management can be realised".⁴⁶ Senior staff must be determined in their efforts to break down barriers between the two without threatening security and good order.

DEVELOP STRATEGIES

To develop a strategy, and thirst, for change among staff it is important to be pragmatic. Research notes that cultural change is effective when staff change their behaviour.⁴⁷

“Ultimately, real change will come about when attitudes alter, but this is not likely to happen immediately.”⁴⁸

Indeed for change to occur there is a need for uncompromising leadership clearly committed to the change process and a recognition, by all parties, including particularly government, that the change process will be difficult, will take time and will almost inevitably include a number of phases or steps.

As an example, Coyle suggests that when addressing the relationship between prison staff and prisoners it will be important to unequivocally:

- ▶ Prohibit negative behaviour and insist this is the way we will now behave, that is, no violence, no bullying;
- ▶ Move to a positive behaviour in how prisoners are spoken to; and
- ▶ Reinforce orders and insist they are followed.⁴⁹

These principles were visible during Inquiry visits to interstate correctional centres where the importance of interactive staff-prisoner relationships, clearly articulated pathways and incentives by which prisoners may gain benefit from good behaviour and progress within the gaol programs, and consistent and fair disciplinary processes were reinforced as the basis of a healthy prison environment. None of the prisons visited by the Inquiry suggested they had an ideal prison environment and many were able to draw on personal experience as to the issues that were likely to occur when core prison systems went wrong.

A recurring issue in a bad prison system is widely recognised as involving a loss of confidence and an increase in fear among prison staff and a consequent distancing of the staff from prisoner interaction. This is clearly the environment which currently exists within RPC.

Research notes that most staff will be happy to follow a clear instruction but they must be, “... confident that management will follow through on a desire for change and will not retreat when faced with difficulties. They also need to see that the small number of staff who do not wish to change will not be left to carry on in their own way”.⁵⁰ It is also now widely accepted that effective change in prison officer behaviour should, and must, target not just a few staff but all staff, throughout the prison system, if it is to be effective.⁵¹

CONTEMPORARY PRACTICE PRISON MODELS

In order for the Inquiry to offer recommendations about future operations for the RPC it was necessary to review current international standards and so-called ‘best or contemporary practices’.

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There are a number of international instruments, mainly from the United Nations, that deal specifically with prisoners and the conditions of detention. These include:

- ▶ Standard Minimum Rules for the Treatment of Prisoners (UN, 1957);
- ▶ Basic Principles for the Treatment of Prisoners (UN, 1990);
- ▶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN, 1988);
- ▶ United Nations Rules for the Protection of Juveniles Deprived of their Liberty (UN 1990); and
- ▶ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (UN, 1985).⁵²

Within the Tasmanian jurisdiction:

- ▶ Standard Guidelines for Corrections Australia (Revised 2004); and
- ▶ The Tasmanian *Corrections Act 1997*,

operate to prescribe requirements, protocols and essential signposts for the effective management of prison systems.

In addition to these standards, good prison management has also been influenced by wider events and the system for managing prisons has changed greatly in the last 50 years. Practices in Australian prisons have been greatly affected by reports, inquiries and recommendations which emerged in the late 1960s following a series of security breaches across the United Kingdom.

THE PAST FIFTY YEARS - UNITED KINGDOM

One key inquiry still influencing practices today was the Mountbatten Report into Prison Escapes and Security (1966).⁵³ The report was produced in response to a spate of high profile prisoner escapes in the early 1960s and was especially critical of security in prisons. As a response, CCTV systems were introduced, radio links developed and a prison dog service established.⁵⁴ A new system of classifying adult male prisoners based on security considerations was subsequently introduced, cataloguing them into one of four groups, based on the potential danger they posed and their likelihood of escaping.⁵⁵ The Report's central tenet underpinning these changes argued for concentrated accommodation of difficult-to-manage prisoners in one single, specialist unit.

However this practice was not adopted in the UK – rather, a dispersal method, as advocated a few years later in the Radzinowicz Report (1968), was implemented. This saw the newly classified “Category A” prisoners (high-risk) spread around a number of top security prisons.

Over the years, “Many critics of the prison system and many people working within it think that the Mountbatten report led to an obsession with security. Too many prisoners, they say, are held within unnecessarily secure and therefore restrictive conditions, and the obsession inhibits work, education, and even health needs”.⁵⁶

By the late 1980s conditions in UK prisons deteriorated and they appeared in dire need of direction. On 1 April 1991 a riot began in the Manchester prison, Strangeways that lasted 24 days. One prisoner died, 200 individuals were injured and repairs cost were high. The riot touched off a string of disturbances in 25 other British prisons. The subsequent Woolf Report into Prison Disturbances April 1990 (1991)⁵⁷ led to a general review of prisoner management. It identified intolerable conditions and a lack of legitimacy and fairness as key factors contributing to the riot.

The Woolf Report identified three key elements necessary to a functioning jail – security, control and justice. It argued if one of these three elements was out of balance then effective functioning could not be maintained. In his report Woolf stated,

“For present purposes, ‘security’ refers to the obligation of the Prison Service to prevent prisoners escaping. ‘Control’ deals with the obligation of the Prison Service to prevent prisoners being disruptive. ‘Justice’ refers to the obligation of the Prison Service to treat prisoners with humanity and fairness and to prepare them for their return to the community in a way which makes it less likely that they will reoffend.”⁵⁸

- TASMANIA

While, clearly, these reports were not dealing with issues at Risdon their discussions and conclusions had all contributed to a growing debate on prison reform and practices.

It has been noted earlier that no prison system exists in a vacuum and the institutional and cultural history of Risdon Prison is no exception. It carries a great deal of institutional and historical baggage, not the least that Van Diemen’s Land was colonised, in part, as the repository for Britain’s overflowing prisons. As was noted in Caroline Evan’s review of Risdon Prison, 1960-2004,

“Modern Tasmania... has been slow to abolish nineteenth century penal methods. The central idea of the convict system, that of disciplining the body through the mind, remained pivotal. Isolation cells, impersonal treatment of prisoners by officers, ladders of reward and punishment, surveillance, work and education have also been policy at Risdon which, like Port Arthur, had a quasi-military culture.”⁵⁹

According to FM Neasy a softer approach to prisoners ‘began to emerge’ at Risdon during the late 1970s⁶⁰. The Grubb report had just been published which, with its conciliatory tone advocated a gentler approach to prison management. Grubb recommended greater numbers of better qualified and trained officers; raising the minimum qualifications for officers and increasing pay for senior officers as an incentive for promotion.

Legislation came into step with modern penological practices and the Prison Act of 1977 finally repealed the Prison Act 1868. It also addressed issues raised by prisoners during the Grubb Inquiry and the Act gave prisoners the, “rights to good food, exercise in fresh air, adequate medical care and paid work that was within their capacity.”⁶¹

The regulations also stressed that officers must be “firm, but temperate, shall avoid the use of harsh or irritating language or gestures and shall not resort to force unless it is necessary to do so.”⁶² In addition the Act allowed those with grievances the possibility to speak to the Ombudsman⁶³ whereas previously they had to address their complaints to someone within the prison itself.

In the 1970s 60 per cent of prisoners were engaged in work⁶⁴ and throughout the seventies a long-standing commitment to post-release support was built, with a welfare officer assisting newly released prisoners to find accommodation and purchase clothing.⁶⁵ Despite these changes the 1970s was marked by a series of prison disturbances although some of the issues had been diffused by reducing overcrowding and the opening of medium security.⁶⁶

CHAPTER 5 - BACKGROUND AND CONTEXT

A new regime was pursued in the early 1990s, in an attempt to drive a different set of values, although it was not embraced whole-heartedly by all prison staff, who either did not agree with the reforms or did not implement them.⁶⁷ The Indigenous Deaths in Custody Inquiry, tabled in the Tasmanian parliament in May 1991, brought about many changes across Australia but at Risdon it also helped change attitudes about the way prisoners should be treated.

“Central to these changes was the idea that prisoners should be reintegrated into society rather than reformed.”⁶⁸

Between 1998 and 2001 there were three major published reports⁶⁹ into Risdon which indicated a deep concern with deaths in custody and a recognition that a higher proportion of the prison populations suffered from mental problems. In addition, prison industries declined, meaning “half the prisoners did not work or engage in any other meaningful activity”,⁷⁰ and officer training also languished.⁷¹

To address these issues and break with its past, the building of a new prison was announced and the subsequent challenges faced by Risdon Prison since it was built (as well as a review of the strategic vision for corrections for the next 10 years) have been dealt with earlier in this chapter.

Yet, it is clear to the Inquiry that even this brief review shows substantial change in the culture at Risdon Prison just as there have been significant changes to prisons and prison management over the past 50 years elsewhere across the world. These changes have informed the debate on penology. The Inquiry considered it important to understand how the system for managing prisons has developed before it reviewed the elements that make up good prison management.

ELEMENTS OF GOOD PRISON MANAGEMENT

In an attempt to describe what is good prison management not only in the United Kingdom, but internationally, two key documents were produced by the International Centre for Prison Studies in a project funded by the Human Rights Policy Department of the UK Foreign and Commonwealth Office.⁷² These two documents form the backbone of this Inquiry’s summary of ‘best practice’ for prison management.

“Ultimately the purpose of imprisoning a person is to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, as far as possible, that upon his return to society the offender is not only willing but able to lead a law abiding and self supporting life”.⁷³

The best managed prisons are those that have a clear understanding of their objectives, mission and values. How this is successfully introduced and maintained depends on three processes; the support, the structure and the day to day management of prisons.

SUPPORTING PRISONS

Firstly, well managed prisons must be viewed as an important public service, with the objective of contributing to the public good. Government ministers and senior administrators should make it clear that they hold prison staff in high regard for the work they do and the public should be frequently reminded that prison work is an important public service.⁷⁴

PRISON WORK IS AN IMPORTANT PUBLIC SERVICE

In order that this should happen it is important that senior prison staff develop good relations with the local public and media. The public should not only hear about prisons when things go wrong, they should also be informed about the daily realities of prison life – and its positives.

It is vital that prisons do not operate in an isolated environment; they should involve themselves with other government initiatives, take account of what happens in their local communities and link themselves with social agencies, in ways similar to other important public institutions for example, schools.⁷⁵

STRUCTURING PRISONS

A CAPABLE LEADER

The day to day burden of managing the prison (and ensuring that the relationship with the support functions, outlined above, operates effectively) falls to the head of the prison. Despite being part of the “public service”, prisons are not by nature democratic structures, they are required to be disciplined and hierarchical and those people who are in charge of prisoners should be capable of management at a high level.⁷⁶ Of course, in prisons, this management is not of inanimate objects but rather more importantly the management of human beings. The Scottish Prison service saw it this way and they “...identified four key elements in prison management: administrative, financial, human resources (covering staff and prisoners) and operations... the first three of these elements are common to all forms of management.... the operational element is the only one that is unique to a prison setting”.⁷⁷

Having a capable leader is one of the most important elements in having a successful prison. The hierarchical nature means that everyone, from staff to prisoners, looks to the person at the top to provide direction, and in times of stress, introduce a culture of change. Coyle noted that prisons with the most humane atmosphere and with the most positive culture are likely to be those with the most visible leadership.⁷⁸ Leaders need to set clear parameters about what is to be done and what kind of behaviour is acceptable but they will also encourage staff (particularly at lower levels) to use their initiative. It is important, particularly when prisons are undergoing some form of stress (escapes, riots, serious disturbances) that leaders do not place more emphasis on avoiding mistakes than on innovative ways of working that bring about change. A real leader will hit a balance between the two.⁷⁹

Implied in this ‘list’ of a good management practice is a high degree of access. Coyle argues that, the head of the prison must be visible and hardly a day should go by without them being seen in areas where staff and prisoners come together.⁸⁰ The leader also needs the confidence and support both of government and other agencies in resourcing and managing change. However, no amount of resources themselves will replace the need for good leadership in the first instance.

NO AMOUNT OF RESOURCES REPLACE THE NEED FOR GOOD LEADERSHIP

PRISON STAFF

As stated earlier in this chapter well managed prisons also require well trained and well supported staff – they are key to an efficient prison. It can be common for prison staff to believe they are overlooked or forgotten within the criminal justice system and Coyle identified two ways staff express their frustrations:

1. Treating prisoners in a way which emphasises the officer’s ‘moral superiority’; and
2. Making the lives of management difficult, usually by indirectly obstructing their initiatives.

These practices were clearly visible at Risdon Prison at the time of this Inquiry.

RECOGNISING THE IMPORTANCE OF RECRUITMENT AND TRAINING FOR PRISON STAFF

Chapter 6 of this report details officer training and safety practices. However, in recognition of its central importance to the culture of a prison, the Inquiry thinks it necessary to reinforce the belief that staff have a right not only to be trained throughout their career but also to be supported and given the opportunity to expand and develop their skills. As Coyle stated,

*“The only suitable response to this defensive mentality is by giving prison staff a greater sense of professional worth and appreciation on the value of the role which they carry out on behalf of society”.*⁸¹

Current research⁸² also suggests that to create cultural change, training should not only require staff to change their behaviour – how they do things – but also to think differently and to exercise their individual discretion about how to do things within a prison.

Well trained staff will thus go a long way in supporting the structure of the prison and any proactive measures taken for change while ensuring the interdependent relationship between the ‘keepers and the kept’ remains in balance.

*“...as research has demonstrated, a prison where people are dealt with fairly and well, enhancing the prison’s overall legitimacy, is a place that is not only more likely to engage people in effective service, but is also more likely to be better ordered and more secure”.*⁸³

ACHIEVING BALANCE

Providing a safe environment is one of the most important tasks of a prison manager and, harking back to the recommendations made in the Woolf report, achieving a balance between security, control and justice – is the way to do this. The objective of preventing escapes and ensuring control can best be achieved in a well ordered environment:

- Which is safe for prisoners and staff;
- Where all members of the prison community perceive they are being treated with fairness and justice; and
- In which prisoners have the opportunity to participate in constructive activities and prepare themselves for release.⁸⁴

How the Inquiry feels that this balance can be best achieved will now be addressed with a closer examination of ‘best practice’ in managing prisons.

PREVENTING ESCAPES AND ENSURING CONTROL CAN BEST BE ACHIEVED IN A WELL ORDERED ENVIRONMENT

MANAGING PRISONS

The Australian Human Rights Commission clearly states that prisoners, just like all other people, are entitled to enjoy their human rights. They have the right to be treated with humanity and respect even when deprived of their liberty.⁸⁵

The rights for prisoners identified by the Commission as key include the rights:

- To be treated with humanity and respect for their dignity; not to be subjected to torture, or cruel, inhuman or degrading treatment or punishment;
- Not to be subjected to arbitrary arrest or detention;
- For accused persons to be separated from convicted persons;
- Freedom of association;
- To the enjoyment of culture;
- To the highest attainable standard of physical and mental health;
- To education;
- To vote;
- To be free from discrimination; and
- Prisoners should be able to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.⁸⁶

A well managed prison is thus one in which all these rights are delivered. To determine if these rights are being delivered Andrew Coyle, in his manual, “Managing Prisons in a Time of Change” identified a number of key elements in which to measure whether or not a prison is well managed. If it is well managed, he argued, then the environment must be decent and humane which in practical terms can be measured by the relations between prisoners, staff and visitors.

CHAPTER 5 - BACKGROUND AND CONTEXT

PHYSICAL ENVIRONMENT

The issue of Risdon Prison's physical environment has been addressed in detail in Chapter 8 of this Report. However, it is important to emphasise that one of the first tasks of a good prison manager is to make the best possible use of available accommodation – to ensure that overcrowding is avoided or minimised and that prisoners enjoy the most active and productive structured day environment that is possible in the circumstances. Coyle argues that it is possible to manage prisons of up to 500 prisoners in a manner which takes some account of the individual needs to prisoners but if it goes beyond 1000 it becomes impossible.

A GOOD PRISON MANAGER MAKES BEST USE OF AVAILABLE ACCOMMODATION.

DECENCY AND HUMANITY

All prisoners have the right to be treated humanely – what this means and how to measure it can be challenging. In his research Coyle states: “It took some time to understand that inhumanity need not necessarily involve brutality or physical abuse of an individual or group of prisoners. Inhumane and degrading treatment can be caused simply by conditions of captivity.”⁸⁷

However he did identify signposts that indicate whether or not a culture of respect exists in prisons. He noted that when staff and prisoners address each other in a similar fashion, say by their first names or adding “Mister” before their name when there is a reasonable expectation that there is a degree of mutual respect within the prison. Terminology is very important in a prison setting and the general use of language is often a good measure of humanity. Referring to meals as “feeding time in the zoo”; describing prisoners by numbers indicate a culture that treats prisoners without respect.

PRISONERS HAVE THE RIGHT TO BE TREATED WITH HUMANITY AND RESPECT EVEN WHEN DEPRIVED OF THEIR LIBERTY

GOOD COMMUNICATIONS

Respectful language is only one measure of a well managed prison. Effective and respectful two-way communication between staff and prisoners is fundamental to good staff prisoner relationships and a healthy prison.

Historically, prisons have been a hierarchical system, where information is passed from the top to bottom and the responsibility of staff is to carry out the orders. In this view prisoners are expected to act in a similar manner and respond to instructions from officers without question. This, Coyle argues, is not the mark of a well managed prison.⁸⁸

Well managed prisons must have in place a good system of two way communication. As has been stated earlier, the basis for good communication rests with senior management setting the tone but it must go further than that. A good prison relies on real dialogue among staff. Successful communication is likely to occur if:

- ▶ Management issue instructions that are understood by all staff;
- ▶ Staff have the opportunity to offer opinions not only about detail but also on issues of policy;
- ▶ Procedures are in place where junior staff can offer views and opinions; and
- ▶ Horizontal communication systems exist – for example, a forum where staff from all walks of prison life (security, education, personal) meet, discuss priorities and examine how their work can be complementary.⁸⁹

If genuine, interactive communications are not maintained between staff and prisoners it is doubtful that any meaningful dialogue will be sustained between staff and prisoners.

In this regard it is important to recognise that instituting good, multi-levelled communication between staff and management and staff and prisoners does not undermine discipline in a prison. On the contrary such arrangements are more likely to ensure that staff at all levels will be more committed to their work and will better understand daily processes and will engage more constructively with prisoners. As a consequence prisoners are likely to have an increased sense of security and certainty in their daily lives.⁹⁰

TREATMENT OF VISITORS

Another indicator to a well managed prison, identified by Coyle, is examining how visitors to prisons are treated. Prison staff, in their position of power, may feel tempted to treat family, friends of prisoners and even external service providers similarly, as though they too have broken the law. Prisons have strict security codes, searches are often necessary and there are issues concerning the numbers of people allowed into visitor meeting rooms. Yet how this is handled – the manner in which people are treated – is all important. Staff should treat visitors with the same human courtesy associated with interaction outside of a prison.

RESPONSE IN TIMES OF STRESS

A final element to measure humane practices in a prison is how staff and prisoners react in times of stress. It is not just about how staff treat prisoners and their visitors but also an issue of how prisoners treat security personnel. When a prison is experiencing a ‘stressful period’, for example, following a serious incident or riot, both groups are likely to retreat to their ‘traditional behaviour’; staff will hide behind rules and regulations and avoid informal contact with prisoners while prisoners will be reluctant to talk to staff since this may be seen as disloyal to their fellows.

Contemporary practice suggests that the way forward for prisons at this point is to return to normality as quickly as possible and the initiative for this lies with the prison leadership team and staff. To move forward, to change, staff must adopt a professional approach, combined with proper security measures and a willingness to treat prisoners in a humane way.

THE WORKPLACE

This chapter seeks to examine and assess the operational and workplace health and safety practices and standards at the RPC and to compare them with those which should be found in an efficient contemporary prison workplace.

A POSITIVE WORKPLACE CULTURE TO DELIVER THE ORGANISATION'S GOALS

PEOPLE WHO WORK IN PRISONS

It is the Inquiry's view that, regardless of the quality of legislation, policies, procedures or the physical infrastructure in a prison, the ultimate test that determines the quality of a humane and professional prison is the way in which prisoners and staff relate to one another on the ground. The successful day-to-day management of prisoners is dependent upon the dynamic interpersonal skills of the staff in contact with them.

Most contemporary high security prisons embrace unit management and have found that, through a combination of effective unit management and participative, focused, case management, prisoner relationships can be improved and prisoners can be held more responsible for their behaviour. In this environment, non-uniformed staff are more actively involved and gain a greater understanding of security issues and measures.

The result is that the overall delivery of prisoner services is improved and the engagement between staff and prisoners becomes more interactive and constructive.

Contemporary prison management recognises that a positive operating environment helps to eliminate unnecessary stressors for staff and prisoners.

Operating features that are embedded into good practice prisons include:

MULTI-DISCIPLINARY TEAMS

The Inquiry is aware that people who come to prison are:

- Often social inadequate, uneducated and unskilled;
- Mostly under thirty, unmarried, illiterate and unemployed;
- More than half of them have been convicted of offences of non-violent crimes; and
- About 10 per cent are intellectually challenged; a substantial number are psychologically disturbed and indigenous people are over represented. If they were on the outside they would often need the resources of other agencies.

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Hospitals, like prisons, are delivery agencies for human services, but no single health practitioner group would be expected to manage the complexities of patient care. Similarly, contemporary prison administrators recognise that they cannot expect any single profession to cope with the unique challenges of prisoner management; rather they too embrace a multi-disciplinary team approach.

Multi-disciplinary teams in prisons are motivated by the same principles and are likely to include staff from: health; therapeutic services, activities; education, custodial, programs, administration, chaplaincy and industries. The quality and value of services provided to prisoners by these teams is likely to be directly related to the quality of cooperation and collaboration which exists between team members.

ROLE OF CUSTODIAL STAFF

Prisoner services can only be provided successfully when prison officers play their role in delivering multi-disciplinary activities by ensuring that the fundamentals of good security (such as prisoner discipline and movement, musters, key control and emergency procedures) are adhered to and high standards of housekeeping and hygiene are consistently maintained. The nature and quality of these security and WH&S practices and the standards that apply within RPC is examined later in this chapter.

UNIT MANAGEMENT

Contemporary prison management recognises that direct supervision is the most effective offender management style to address today's correctional challenges and, that custodial officers, while wearing uniforms and operating within their SOPs, effectively become change agents, not guards.

Indeed an argument can be mounted that custodial officers should not wear military style uniforms and that their interaction with prisoners would be assisted if they wore more relaxed inclusive style clothing. Were this issue to be raised however, it would be likely to have some industrial implications.

Custodial officers functioning in accommodation units in constant contact with prisoners, provide direct and dynamic supervision. In prisons that have embraced unit management reporting prisoners can be held more accountable for their behaviour; non-uniformed staff are more engaged with security; and the multi-disciplinary team approach is better fostered.

Under unit management practice, prison officers spend the majority of their day in close interaction with prisoners. The daily relationship between officers and prisoners is a major component of good prison management; allowing officers to not only supervise prisoners more closely, but also to assess their well being, mood and behaviour and understand their needs and problems. When problems do arise officers are better placed to more readily defuse a situation and correct undesirable behaviour, rather than having to resort to the use of force.

STRUCTURED DAYS

A structured day is designed to meaningfully occupy prisoners for the best part of their hours out of cell. A well-considered, structured day will also eliminate the perennial conflict between the staff from programs, education and industries who traditionally competed for the prisoner attendance in the same time slot; thus specialist staff are able to fulfil the role for which they joined the service and feel valued.

CASE MANAGEMENT

Case Management practices have been adopted in a wide range of human service delivery organisations including community care for people with disabilities and mental health issues and in most corrective services in Australia.

Within prisons, Case Management of prisoners is usually described as an individual service delivery designed to plan the management of prisoners from the time of reception into a prison to their sentence completion i.e. the end of their involvement with the Corrective Services Department.

In order to be effective Case Management practices need to be focused and targeted, involve the active participation of prisoners in the identification of both short and long term goals and set agreed specific behavioural targets. Case Management Officers need to be adequately trained and skilled both in the actual interaction and negotiation process and in the maintenance of accurate records and documentation.

OBSERVATIONS AT RPC

The Inquiry's overall assessment of the RPC operational culture, supported by comments in the multiple staff interviews and submissions, is that there is:

- A prevailing and unstable industrial environment;
- A lack of staff morale and self confidence;
- A lack of pride among some members in their work and a lack of commitment to workplace health and safety; and
- In the case of some staff, a lack of respect for prisoners.

The Inquiry notes that working in prison can at times cause fear, frustration and occasional boredom. However, many members of staff, from all disciplines within RPC, were anxious to ensure that the Inquiry understood that their roles, with the appropriate support of management, could be rewarding and satisfying and could provide them a sense of professional fulfilment.

However, the silo-like mentality separating the various functional groups and the marked division between uniformed staff and everyone else, together with, the dominant, but very narrow, role played by uniformed custodial staff, in every aspect of RPC life, is stifling the development of a multi-disciplinary approach to prisoner management. This situation is further aggravated by clear signs, identified by the Inquiry, of militant and disrespectful behaviour and attitudes being displayed by some custodial staff when on duty.

There seems to be a failure by senior management to recognise and reinforce that, regardless of the specific discipline in which a staff member works (e.g. Programs or Industries), all are prison workers first with an equally important role to play within the prison environment. Good, dynamic security demands that everyone is responsible for the security and good order of the institution. All staff should be expected to be vigilant and attentive to prisoner accountability and security issues, to understand their role in emergencies, and to maintain proficiency in security matters, as well as in their particular job speciality.

Many staff talked about different long-standing self interest groups at RPC. In particular, references were regularly made to the factions within groups of managers and supervisors. Staff volunteered information on the destructive effect of the factions on the careers and aspirations of individuals.

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Leaving a faction and remaining employed in corrections is relatively easy at the larger and more complex prisons such as Long Bay, Silverwater or Yatala Labour Prisons where there are many more opportunities. Many of our capital cities have a cluster of prisons all within easy travelling distance, to which staff may have the opportunity to transfer without having to move home.

Staff who work at the RPC do not enjoy the same range of opportunities and may have to continue to conform to factional expectations either directly or indirectly or risk being subjected to personal vendettas and retaliation.

Factions in the workforce, whether they are industrially or managerially structured, usually revolve around strong personalities who act almost like a magnet for like-minded, ambitious or disenfranchised staff. The groups often have little in the way of common goals other than the advancement of those within it or the removal of particular individuals from positions of influence.

Regardless however, these groups can be a disruptive influence on the wider workforce and may breed resentment and bad work practice.

From the Inquiry's observations factional competition or tensions appear to be operating as a damaging force at the RPC and are a contributory factor to the prison's malaise. If left unchecked the consequent tensions and divisions are likely to lead to even further industrial disputation and internal and external discontent and criticism.

As a more general but related statement, staff morale is currently low and showing signs of further deterioration. The consequences of this are reflected in the lack of care and attention given by many staff to their workplace surroundings and by the increasingly high levels of short-term sick leave, some of which appears to be contrived and possibly linked to an industrial agenda.

In assessing these morale, work practice and sick leave issues, however, it is important to recognise them as symptomatic rather than causal factors, the underlying causes of which will need to be treated if genuine organisational and operational practice reform is to be achieved.

GOOD DYNAMIC SECURITY DEMANDS THAT EVERYONE IS RESPONSIBLE FOR SECURITY AND GOOD ORDER

Finding 4

Across all disciplines, staff told the Inquiry that they were frustrated by what they saw as unnecessary obstacles in performing their duties.

Many members of staff, from all disciplines within the RPC, were anxious to ensure that the Inquiry understood that their roles, with appropriate support, could be more effective and rewarding.

Finding 5

Within the RPC, there is a lack of effective leadership; a volatile environment of distrust and industrial tension; a serious lack of commitment to workplace health and safety; a lack of respect for prisoners by some officers and a silo mentality particularly between uniformed staff and everyone else.

Finding 6

Low staff morale is reflected in increasingly high levels of short term sick leave, some of which appears to be contrived and linked to an industrial agenda.

Finding 7

Factions operate as a counterproductive force at the RPC and are a contributory factor to continuing prison issues and the prevailing unstable situation.

THE SENIOR MANAGEMENT TEAM

Prisons are socio-economic units: small, but complete, towns with accommodation buildings, training schools, workshops, food preparation, a shop, a chapel, a medical centre, a recreation and sports facility and its single most influential group is the senior management team. The prevailing attitudes of individual members of any senior management team and the manner in which they debate key issues significantly shape the behaviour of supervisors and staff alike. All watch their deliberations, their decisions are carefully examined, every nuance is analysed for some hidden meaning. The senior management team sets the agenda – the *'tone at the top'*.

COMMUNICATIONS

Prisons are 'human service' industries and communications are the lifeblood of the operation. Cutting edge prison management avoids the trap of email and communicates by either scheduled or impromptu meetings and by walking about the prison. Smart managers understand that although facts and figures are easily communicated via email, letter or phone, an actual discussion or negotiation is best handled where you can see the other person and therefore are able to see directly what their tone and body language have to say on the matter.

PRISONS ARE 'HUMAN SERVICE' INDUSTRIES

The SMT in any prison sets the tone at the top and managing by walking about should be a *matter of routine*. Interacting with staff in the corridors, in their offices, in their units, in their workshops and in toolbox talks provides valuable opportunities to engage with staff at all levels, because people are more influenced by how much the senior management team cares not by how much it knows. People will often forget what an executive said or did, but they will never forget how that person made them feel or the interest they showed.

OBSERVATIONS AT RPC

The Inquiry rarely saw members of the SMT in the RPC, nor was there evidence from staff that senior staff routinely walked the corridors or chatted with staff in their workplaces or engaged directly with prisoners. Staff at all levels collectively painted a picture of the SMT as a remote and inward-looking group.

This is not to suggest that SMT members are not committed and hard working officers and that some do not engage actively with staff. Rather it is to suggest that the way in which the SMT as a team does business is not inclusive and does not generate trust or practice meaningful and constructive engagement with staff.

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Moreover, staff advised that the SMT's preferred tool of communications was email and the Inquiry's own experiences supported this view. On several occasions the Inquiry advised the relevant members of the SMT of its intention to be at a certain place at a specific time, but when the Inquiry attended, as arranged, the staff, although always pleasant and welcoming, advised that they had not been informed by their managers of the Inquiry teams pending arrival. The Inquiry would routinely point these occasions out later to the member of the SMT, where the usual response was of genuine surprise because they had sent an email advising of the Inquiry's intentions.

Minutes and records of meetings indicate that the SMT do not regularly participate in meetings among its own members, or with the WH&S Committee, the local workplace consultative committee or with prisoners.

There is little evidence to suggest that the SMT understands that if it seeks to introduce changes it must engage at all levels and at all times. It is a fundamental law of change, particularly, it is suggested, in prisons, that the greater the distance between those who define the change and those who have to live with it, the higher the probability of problems and failure. The SMT must be an exemplar of engaged, participative action in motion and in touch at all levels.

It is all too easy to operate a punitive or demoralising culture that criticises failures large or small but never provides the opportunity to catch someone doing something right.

Within the RPC the culture of criticism and conflict is too strong and the culture of constructive engagement too weak. This imbalance needs to be corrected as a matter of urgency.

Finding 8

The Senior Management Team was not visible in the Risdon Prison Complex during the Inquiry, nor was there evidence that members of the Senior Management Team routinely walked the corridors or engaged with staff or prisoners.

The Senior Management Team is seen by staff as remote and inward looking and a more enabling and consultative management/staff culture needs to be developed.

SENTINEL MEETINGS

Meetings that could be described as sentinel in a contemporary prison would include:

- ▶ The senior management team;
- ▶ The security group;
- ▶ The workplace health, safety and welfare committee;
- ▶ Toolbox talks;
- ▶ The local consultative committee;
- ▶ Town hall meetings; and
- ▶ The meetings between management and the prisoner representatives.

As a general rule it would be usual for toolbox meetings to be held at least each weekday, SMT meetings to be held weekly and the remainder monthly.

TOOLBOX MEETINGS

Morning toolbox meetings are an extremely important part of the schedule of meetings. They would normally only last about 15 -20 minutes and their purpose is twofold:

1. To rapidly share information between management and operational staff and, consequently, would be attended by the general manager and all of the managers along with all supervisors from programs, health care, education and custodial. The agenda would ordinarily include: any incidents from the previous night, issues of the day, high profile prisoners movements, any pressing WH&S or security issues etc; and
2. To provide the opportunity for staff to briefly catch up face-to-face with other staff and discuss issues.

WORKPLACE HEALTH AND SAFETY MEETINGS

Typically the fixed agenda items at a workplace health and safety meeting would include:

- The results of in-house safety inspections;
- Details of any injuries or near misses;
- Updates on the progress of any returns to work;
- Risk assessments on any new equipment or plant; and
- Updates on the progress of any action plans designed to fix previously identified concerns

SMT MEETINGS

Standard practice would be to hold the SMT meeting at least every two weeks.

LOCAL WORKPLACE CONSULTATIVE MEETINGS

Staff advised that the meetings between management and the local representatives of the two custodial unions were generally ad hoc and reactive and were usually called to deal with an issue that had suddenly emerged. Good practice has long established that scheduled, monthly meetings with the local workplace consultative committee help to provide structure and certainty to industrial relations and minimise the destabilising effect of meetings on-the-run.

Properly constituted and managed management/union meetings can lead to common understandings and resolution of many issues and identification of areas of contrast in a non adversarial environment where the focus is on overall consensus and the collaborative prioritising of goals and action planning.

PRISONER REPRESENTATIVE MEETINGS

Equally important are regular meetings with prisoners. Monthly meetings with prisoner representatives from the various units with management (including key staff such as the catering manager or stores officer) allow prisoners to raise issues and concerns that might otherwise spill over into disputes and incidents. Similarly, the meetings provide an additional forum for management to advise prisoners of changes in the operations that may affect them or their families.

OBSERVATIONS AT RPC

During the period September to December the SMT convened a number of meetings to plan the transfer and then the return of the prisoners to the Risdon Prison Maximum Security units.

It is also recognised that the continuing industrial tension and periodic disputation at RPC combined to increase tactical pressure on the SMT and the likelihood of the need for increased reactive style meetings.

However records show that:

- ▶ During the period July to December 2010 there were only four minuted meetings of the SMT (out of a possible 13 fortnightly meetings); and
- ▶ RPC did not meet its legislated minimum number of meetings of the WH&S Committee. Four meetings a year were needed just to meet the legislated minimum, but in fact only two were held.

The Inquiry examined the minutes from the two WH&S meetings held in 2010. The examination did not reveal a structured approach to workplace safety and there are no comments on what would be considered standard practice in any contemporary workplace (not just prisons), including, for example:

- ▶ The results of in-house safety inspections;
- ▶ Details of any injuries or near misses;
- ▶ Updates on the progress of any returns to work,
- ▶ Risk assessments on new equipment or plant; or
- ▶ Updates on the progress of any action plans designed to fix previously identified concerns.

The plenary style ‘Town hall’ meetings are an informal meeting which give all staff an opportunity to get together and hear and discuss emerging issues and to voice concerns and preferences. Town hall meetings in a prison that is experiencing poor industrial relations can be initially very challenging for management, but they are an excellent tactic to explain issues and show that management does care.

However staff advised that there was no formal requirement to meet with prisoner representative, nor were town hall meetings a feature of the RPC’s communication strategy.

Finding 9

There is little factual or documentary evidence of the conduct of regular workplace consultative meetings.

Finding 10

There is no evidence of any genuine commitment to the range of sentinel meetings that would ordinarily be standard practice in a well run contemporary prison.

For example, records for the period July to December 2010 show:

- ▶ **There were only four minuted meetings of the SMT (out of a possible 27 weekly meetings); and**
- ▶ **RPC did not meet its legislated minimum number of four meetings of the Workplace Health and Safety Committee in the year.**

Finding 11

Meetings between management and the local representatives of the two custodial unions are not formally structured or scheduled, rather, they are ad hoc and reactive.

Finding 12

There are no regular meetings between management and prisoner representatives from the various units.

TRAINING

A recruit in-service training and development curriculum which reflects and targets the skill needs of an organisation and aims to deliver outcomes based education is integral to organisational efficiency.

A positive organisational attitude towards learning fosters a culture of continuous improvement and actively operates to increase employee capacity, initiative, morale and motivation.

A discussion on training would ordinarily be a fixed item on the meeting agenda of senior management teams in contemporary prisons, because senior managers know that training is a substantial cost to the prison and they need to husband scarce resources, by carefully monitoring and reviewing the level of compliance to the annual training plan.

Contemporary businesses review their training regularly including conducting a training needs analysis and amending the relevant modules accordingly.

A training curriculum which targets and develops the actual skill needs of an organisation and provides periodic refresher training is crucial to sustained effective performance.

OBSERVATIONS AT RPC

A database was viewed by the Inquiry that detailed the annual training plan for all prison officers. The database also included the full academic and course records along with enrolments, progress (pass/fail) and completion dates. While the Inquiry did not test the veracity of the database, the detail and its scope were impressive.

The Inquiry was advised that sufficient trainers and assessors at the Certificate IV level were available to meet the needs of most in-house training and efforts were being made to create a trainer and assessor network among the officers.

Some managers informed the Inquiry that the Training Section was responsible for ensuring the attendance of officers at scheduled training but that it was not unusual for some officers not to attend. To overcome this behaviour officers apparently are frequently only informed that they are required to attend a training session on the actual day of training. Despite these efforts the Inquiry understands that some officers still regularly avoid attending their designated training program or module. In the Inquiry's view while the Training Section is responsible for delivering training, custodial management is clearly responsible for ensuring officer attendance.

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The Inquiry was informed that, at RPC, the prison officers do not report to the Training Section but, rather, their respective custodial managers who are administratively responsible for them. It flows then that custodial management is also responsible for ensuring their officers attend training as scheduled. However, individual custodial managers do not appear to be held accountable for ensuring the attendance of their respective staff and no senior management oversight or review of training needs and outcomes appears to occur.

Finding 13

Individual custodial managers are not held accountable for ensuring the attendance at training of their respective staff.

The subject of training does not appear to be routinely discussed at the SMT meetings and records show that during the period September to December 2010 in the four meetings held by the SMT training was not discussed.

Given the complaints regularly made by officers that there was insufficient training provided coupled with the costs of delivering training, it is difficult to understand why the TPS do not insist that all aspects of staff training are discussed in detail as a matter of routine. The quality of training on the ground at RPC does not appear to reflect the quality of the database and there is no evidence of any structured case management, negotiation skilling, conflict resolution or even basic security refresher training in a range of important areas (e.g. Sally Port security).

These deficiencies are at the heart of many of the other operational practice, prisoner relationships and industrial issues that are combining to severely damage the effectiveness of the operation of RPC.

Finding 14

The subject of training is not routinely discussed at the SMT meetings and records show that during the period September to December 2010 in the four meetings held by the SMT training was not discussed.

Recommendation 6

That the agenda of the SMT be developed to ensure that the subject of staff training is a fixed agenda item.

The Inquiry was advised that the induction training of all new officers was to a large extent based on the SOPs. However, the SOPs have not been re-issued since 2006 and (as noted elsewhere in this Report) they are in many instances redundant or deficient and in some cases totally absent (e.g. Control Room, Sally Port and Reception). This further brings into serious question the quality and relevance of officer training at RPC.

Finding 15

The induction training of all new officers was to a large extent based on SOPs that have not been re-issued since 2006.

In many instances the SOPs are redundant or deficient and in some cases totally absent (e.g. Control Room, Sally Port and Reception).

The Inquiry was advised that TPS adjusted its training modules from time to time, but as a reaction to an incident, rather than a formal training needs analysis.

Finding 16

The TPS does not have a policy of conducting formal training needs analyses.

Recommendation 7

That TPS immediately conduct a training needs analyses.

Recommendation 8

That a range of educational and social activities be undertaken on a regular and programmed basis (e.g. quarterly) aimed at increasing team building skills, esprit de corps and interpersonal skills among RPC staff. These activities should be observed or assessed by professionals to provide expert feedback and commentary to senior management e.g. as a means of identifying potential leaders for promotion.

A WORKPLACE THAT IS SAFE FOR STAFF

The Inquiry understands that people who work in prisons perform what is arguably one of the most difficult and challenging roles in a sovereign state. They are charged with keeping in safe, secure custody those individuals whose anti-social behaviour has resulted in a decision that they are unfit to live in the community for a period of time.

Within this environment, the safety of prison staff is of paramount importance.

SAFETY OF PRISON STAFF IS OF PARAMOUNT IMPORTANCE

INTEGRATED MANAGEMENT SYSTEMS

Establishing a workplace that is safe for prison staff should first be tackled by looking at the systems of work. An Integrated Management System (IMS) integrates all the components of prison operation into one coherent system to facilitate achieving its purpose and mission. This system should include:

- Safety;
- Health;
- Environment;
- Quality; and
- Risk management.

Key activities such as risk management, incident management and health and safety should be incorporated into every part of the prison's operations, and an integrated systems approach will allow a prison to do this.

OBSERVATIONS AT RPC

The Inquiry found that there was little evidence of a management systems approach to dealing with security, risk management, workplace health and safety, operational compliance or facility hygiene and no demonstrated insight into the value of integrated management. Management at RPC appears to take an ad hoc or reactive approach to incidents, rather than taking a broad perspective that includes seeing overall structures, patterns, trends and cycles.

Finding 17

The SOPs and practices relating to security, risk management, workplace health and safety, operational compliance and facility hygiene were inadequate.

RISK MANAGEMENT

In prison services, as in any other organisations, the proper management of risk is a fundamental responsibility of the senior management team and prison management. Managing risk and compliance are two of the most important strategies in ensuring the safety of staff and the safe and secure custody of prisoners.

In high security prisons, risk management is everybody's business and must be embedded into the culture of the organisation. It is the duty of the executive team to ensure that this attitude towards risk is present throughout the organisation, that everyone understands it and that communication channels are open and effective.

IN HIGH SECURITY PRISONS, RISK MANAGEMENT IS EVERYBODY'S BUSINESS

Typical high risks in any secure prison include: escape; self harm (including its most extreme form – death in custody); access control; key management; escorts and tool control. In addition one would expect to find:

- ▶ A Master Risk Register detailing the identified high and very high risk assessments with their required mitigation and management operational procedures;
- ▶ A robust risk-driven audit schedule. In other words the operating procedures that govern the high-risk activities would be audited more frequently;
- ▶ Follow-ups in response to the findings from audits, inspections, or reviews. Clearly no prison could pass 100 per cent of all audits or reviews 100 per cent of the time and non-conformances and weaknesses will be identified, which must be closed out in an agreed time frame. The usual administrative vehicle for planning a cure and tracking its progress is an action plan comprised of steps designed to address identified weakness or failing;
- ▶ Incident management reviews; including root cause analysis of defined incidents (e.g. assaults and self harms) and statutory incident reports required under the State or Territory WH&S Act for any incident involving risk of harm or actual harm to a person or an equipment failure. While local audits and inspections may have ascertained that the systems are being followed; management reviews determine the extent to which the systems are meeting the needs of the operation. In other words *is it the right system?*
- ▶ A business continuity plan; and
- ▶ A risk-focussed Compliance Program that provides critical underpinning to operations and demands the complete and active involvement of all staff from the General Manager to the newest recruit.

OBSERVATIONS AT RPC

The approach to risk management in Australia is largely shaped by ISO 31000 *Risk Management Principles*, (which replaced the former Australian standard of 4360 in December 2009). Whichever methodology was used, it would have been reasonable, given that the new Risdon Prison was commissioned more than four years ago, to expect that risk management would be solidly in place within the RPC and that the risks associated with operations would by now have been identified; and treatments implemented and monitored through proactive risk-based audits. However, while many people at different levels talked about ‘*the need to manage risks*’, there was no evidence of a real understanding or a standard methodology or a structured approach to managing risk.

Management could not provide a document that detailed its approach to risk management. There is also no evidence of a Master Risk Register detailing the high and very high-risk assessments with their required treatments or a risk-driven audit schedule. Furthermore there was no evidence in the minutes of key meetings, that action plans had been agreed and were being tracked or that incident management reviews were employed as a matter of routine, or at all.

Finding 18

There is no risk-driven audit schedule; or incident management reviews or follow-ups on corrective actions designed to address identified shortcomings.

INCIDENT MANAGEMENT SYSTEM

Although emergency response is an extremely important management function, it should play a relatively minor part in the prison’s overall IMS; because the main function of an effective IMS is to highlight areas of key risk and to develop and then ensure compliance to the preventive interventions.

A risk management strategy closely aligned to ISO 31000 Risk Management and ASNZ: 3806, Compliance Programs is the foundational methodology for developing an incident management system. Good practice could be summarised as:

- *Preventive interventions*: consistently seeking to eliminate or reduce the impact of hazards themselves and so reduce the vulnerability, but increase the resilience of the operations that may be subjected to the impact of these hazards;
- *Preparedness strategies*: establishing arrangements and plans and providing training and information to prepare the relevant operations to deal effectively with such emergencies as may arise;
- *Response activities*: actions taken during and immediately after an incident to minimise the impact; and
- *Recovery arrangements*: restoring the prison to normal as quickly and as efficiently as possible.

SECURITY COMMITTEE

A feature of good practice in prisons is a security committee meeting formally each month to advise the General Manager on operational security matters. The agenda would normally include discussions on:

- ▶ The incident management system;
- ▶ Emergency planning, the monthly reports on fire awareness and intelligence;
- ▶ Reviews on any security compromises during the month;
- ▶ Compliance to the training schedule;
- ▶ Risk assessments;
- ▶ TRG matters;
- ▶ Targeted searches, urinalysis results;
- ▶ High profile prisoners; and
- ▶ Canteen buys.

EMERGENCY RESPONSE GROUPS

Most high security prisons employ some form of emergency response group: some are fulltime employees rostered in dedicated positions while other prisons prefer to mobilise the individual team members should an emergency situation develop.

Risdon Prison, like most high security prisons, currently deploys a number of custodial officers to 'patrol' roles each day. Their tasks include routine patrol duties such as perimeter security patrols, escort of prisoners in and out of the prison and responding to other incidents including fire and other emergency situations not instigated by prisoners.

Having regard to the underlying reasons connected with much of the ongoing industrial disputation, the Inquiry believes that giving consideration to the engagement of TRG in controlled and targeted, patrol activities may offer some middle ground which could ease current tensions and improve the situation to mutual benefit.

Much of the recent industrial disputation, that arose from the assaults on staff and the subsequent lockdowns and cell breaches which gave rise to this Inquiry, has centred around fears for the safety of staff and a perception that management's intention to move the TRG out of the prison is based upon saving costs, regardless of staff safety.

This perception is further aggravated by the fact that a management view is that staff agitation for the continued operational presence of TRG may be driven more by the desire to maintain current overtime levels than by operational requirement.

Regardless of the facts, sound contemporary emergency management recognises the need and the value of a rapid response team and the capacity for immediate action which is more likely to quickly control an incident and reduce the possibility of a situation worsening.

The Inquiry believes that consideration could be given to rostering four members of the TRG to the patrol positions mentioned above. In any implementation of this initiative it will be important to ensure, as a condition precedent, that TRG members are carefully selected, that their routine patrol duties are clearly explained and that they are sufficiently skilled in de-escalation techniques and strategies to effectively use conflict resolution as a first option when responding to prisoner related incidents requiring their presence.

On a purely practical level, the employment of TRG members in patrol activities may be particularly relevant and valuable in the short term in view of the security issues and defects, including perimeter and access security, identified in this report.

If this suggestion is accepted and implemented, it is the Inquiry's view that the RPC may quickly become a more settled facility. Consequently, the need for the rostered TRG officers to respond to prisoner incidents will reduce and they will be able to take on a wider and more proactive role.

In the Inquiry's view, the way to respond to hostile and violent situations has dramatically changed over the past several years; and simply 'running and reacting' to a dynamically developing situation can be dangerous and unsafe for both the staff and any prisoners involved. The TRG, however, is a well resourced unit that, the Inquiry has been informed, trains its members in a number of techniques to better manage prisoner incidents. Properly utilised and focused, they have the potential to play a constructive and cost efficient role in the secure operations of the prison.

Recommendation 9

That consideration be given to rostering four members of the TRG to patrol positions in recognition that, 'running and reacting' to a dynamically developing situation can be dangerous and unsafe for both the staff and any prisoners involved.

That members be carefully selected and that a precondition of their appointment to a patrol position be that they are adequately skilled in de-escalation techniques and strategies.

EMERGENCY RESPONSE PLANNING

Emergency management planning is about being prepared for events or incidents that stretch the prison's ability to cope beyond the normal day-to-day capacity. While an emergency can often be devastating in its own right, prisons can prepare as much as possible to reduce its impact and speed the recovery process. In some cases being prepared can help prevent an emergency situation from worsening.

A crisis can develop from a number of causes; and the developing and implementing emergency planning is essential to effectively and efficiently manage any emergency. Recognised good practice is to adopt a holistic, or 'all hazards,' approach to emergency management based on the risk management and principles derived from *ISO 31000 Risk Management Principles, AS 3745-2002 Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces*; the practices advocated by Emergency Management Australia and the Australian Inter-service Incident Management Systems. These systems are common throughout Australia, and provide for an organisational structure capable of responding to all levels of emergencies from simple to complex.

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Contemporary high security prisons represent large concentrations of vulnerability. Practical emergency response planning is essential to protect staff, prisoners, and visitors, thereby minimising the potential for injury, death, litigation, industrial disputation, and reputational damage in the event of an incident. Plan development, management, review, and improvement would usually be conducted in consultation with the Department to ensure consistency and compatibility with the overall strategy. Liaison with relevant external agencies, including the police, ambulance, fire services, and government, would be a key aspect of plan formulation. Outcomes of the plan would include:

- ▶ Contingency and intervention plans that address the outcomes of the risk analysis, this includes options for alternate placement of prisoners if required;
- ▶ The provision of a hierarchy of response appropriate to the scale of each incident, with clearly defined command and control structures;
- ▶ Contingency checklists clearly defining the roles, priority actions and responsibilities of all staff posts;
- ▶ Procedures for establishing, equipping and operating the Emergency Management Centre (EMC);
- ▶ Definition of the incident management team roles for response;
- ▶ Procedures for communicating with, and engaging emergency services, and for managing them on site through the EMC;
- ▶ Debriefing processes;
- ▶ SOPs to preserve a crime scene and evidence;
- ▶ Annual and refresher training and competencies for staff in emergency management procedures;
- ▶ An annual schedule for testing contingency plans; (some of which may be tabletop and some live exercises);
- ▶ Full-scale exercises each year in conjunction with external agencies (generally two such exercises a year are the most that prisons and external agencies can manage);
- ▶ Procedures for review and improvement, which will include a review of all plans following any major incident; and
- ▶ Scheduled testing of essential services equipment in accordance with the manufacturer's recommendations.

OBSERVATIONS AT RPC

The Inquiry could find no real evidence that RPC had an incident management system that included preventive interventions; preparedness strategies; response activities; and recovery arrangements; and senior management concurred with this finding. For instance, Risdon Prison has 14 emergency orders, but records show that only one has been re-issued since 2006.

There was little evidence that management conducted reviews of responses to emergency situations as a matter of routine practice. Furthermore, management seems to judge an emergency situation on how well the prison came out of it, rather than analysing the lessons learnt and risks highlighted. There is no evidence that it seeks to establish the causal factors that led to the incident, whether staff performed efficiently and in accordance with required procedures, whether the correct response was taken, or if the policies and procedures proved valid. As an example, the Terms of Reference for the inquiry into the siege incident in 2005 were narrow and focused only on the operational response to the incident, rather than seeking to establish the reasons why the incident had occurred in the first place.

The RPC does not practice its responses to the 14 approved emergency orders. Importantly 13 of the emergency orders have not been re-issued since 2006 and Management cannot, with any confidence, attest to the viability of each one.

The RPC does not have a security committee and consequently relevant and important operational security matters are not subject to any regular or systematic assessment, consideration or review.

Finding 19

There is no evidence of an effective incident management system to highlight areas of key risks and to develop and then ensure compliance to the preventive interventions. In addition there is no evidence of:

- ▶ **Active emergency planning;**
- ▶ **A security committee;**
- ▶ **Practicing evacuations; or**
- ▶ **Fire awareness programs for staff or prisoners.**

EMERGENCY MANAGEMENT CENTRE

Few high security prisons have the luxury of a dedicated room reserved exclusively as an Emergency Management Centre (EMC) and in reality another room or space will usually be commandeered in which to direct the emergency responses. However one would still expect to see a range of equipment including radios, PC systems, telephones, photocopier, desks, tabards, electronic clocks, white boards, wall maps, and floor plans, as well as details of operational and emergency procedures. The EMC should be of sufficient size to allow for the emergency management team to operate for an extended period, if required, in a comfortable air-conditioned and safe environment.

The EMC at RPC is located in a room on the first floor of the Gatehouse building and adjacent to the Control Room at Risdon Prison. The room is totally inadequate as an EMC. It is hot and noisy because its primary purpose is to house the RPC's mission-critical equipment including the two computer servers. Custodial officers reportedly enter this room to access the internet from the room.

The room currently occupied by the TRG would be a better choice as an EMC, because it is larger and conveniently adjacent to the Control Room. Furthermore, it is also close to the Front Gate and would allow easy access for staff from external emergency response agencies. A second choice could be the current conference room in the Administration Block.

Finding 20

The room assigned as the Emergency Management Centre is inadequate for directing the response to a serious incident. Its primary purpose and design is to house computer servers and other IT equipment, it is hot and noisy, it is not secure and is too accessible to staff.

Mission-critical equipment is therefore insecure.

CONTINGENCY TESTING

Good practice contingency testing would include:

- ▶ Developing exercises that are consistent with the scope of the emergency plan;
- ▶ A program approved by the relevant Director Operations, to ensure that exercises are carried out at planned intervals or when significant change has occurred;
- ▶ Conducting a range of exercises that, when taken together, validate the whole of the emergency plan; because unless procedures are tested that include evacuations, some problems may not be identified until they occur during a real incident;
- ▶ Planning exercises so that the risk of an incident occurring, as a direct result of the exercise review, is minimised; and
- ▶ Conducting and documenting a review of each exercise-assessing the achievements and goals of each one.

TESTING EMERGENCY LOCKDOWNS

In an emergency, high security prisons must be able to quickly and safely lock down prisoners to reduce the likelihood of additional incidents and to free up extra staff to respond to the emergency. It is good practice to schedule emergency lockdown exercises every month to train staff and test the systems. Scheduled monthly lockdowns also accustom prisoners to the practice, however they can also disrupt it and a shrewd manager will run the tests at lunch time to accustom them to the practice; ensure prisoner lunches are delivered on time and, where possible, provide an incentive such as instructing that an additional video be played for prisoners during the lock down period.

EVACUATION

Evacuations may be necessary in the case of a fire, chemical spill, bomb scare and so forth. Clear procedures should be developed and practiced and reviewed regularly to ensure that staff and prisoners are familiar with safety procedures and know how to react in an emergency.

The Inquiry found that prison management has a tendency to equate prison emergencies solely with prisoner disturbances and this single-minded focus places the prison at risk because, in practice, the risk of loss of life is higher from say a prisoner self harming or overdosing than from prisoner disturbance.

Custodial staff are not the only ones who must respond to emergencies and prisoners do not cause all incidents. Consequently, management needs to be confident that, for example, a medical response can be managed swiftly and safely and that health staff can navigate a stretcher with emergency equipment through every necessary door and barrier in Risdon Prison Complex.

Management needs to prepare for a broader range of emergencies – natural and man-made – and not allow the dramatic qualities of riot and insurrection to result in tunnel vision and a limited response capability. Currently, there is an over-reliance on TRG for all incident responses and no assessment has been made or understanding achieved of the broader emergency response requirements within RPC.

The Inquiry was advised that the RPC does not have a scheduled program to test its capacity and the capacity of staff, to safely and quickly lock down in an emergency. Management advised that because of the recent incidents the Risdon Prison had gained extensive practice at emergency lockdowns. Unfortunately this observation misses the point that testing an emergency lockdown includes assessing it against an emergency order, de-briefing all staff afterwards and recording the outcomes of the exercise. There is no evidence that these important tasks occur.

The risk of loss of life in a prison is also higher from fire than from prisoner insurrection; however given the RPC's history of serious incidents there is insufficient focus on prevention strategies to reduce the risk of fire within the prison. Fire orders were not visibly displayed in the offices, the officer stations or in the accommodation units. There was no evidence of daily cell and unit security checks, which should include fire risk awareness, or of trying to limit the issue and storage of combustible and inflammable materials. It is noteworthy that at the time of inspection:

- Many cells were observed to store what could only be described as excessive paper and cardboard boxes;
- Petrol was stored in a room adjacent to the Control Room;
- The converted shipping container that stored gardening tools also held a 20 litre can of petrol along with a number of mowers and trimmers and fertiliser; and
- Some staff did not know how to operate the cell deluge system.

RPC does not practice evacuations from any of its buildings.

FIRE

There should always be a particular awareness of the risk of fire in a prison and a fire prevention strategy should be in place to reduce the risk of fire within the prison. Core elements of the strategy would include:

- Daily security checks of all parts of the prison;
- Prisoner induction including fire awareness, and what to do should they discover a fire;
- Limiting and controlling the issue and storage of all combustible and inflammable materials;
- Scheduled annual staff refresher training in fire awareness and fire fighting, including how to use all the equipment available to them, including cell deluge systems;
- A dedicated group of fire awareness officers* who would: maintain relationships with local fire authorities and relevant agencies; check and verify the effectiveness of equipment; arrange tests and drills; audit procedures and assess staff competencies;
- Scheduled evacuation exercises – usually four practical exercises annually, two of which would involve the local fire authority; and
- An annual, independent review of procedures and processes by the local fire authority.

* The Fire officers would usually receive additional training, but would be regular rostered officers who would be provided an agreed number of hours each month to complete their tasks.

Finding 21

There are inadequate prevention strategies to reduce the risk of fire within the prison. There are insufficient controls over flammable materials. In addition, fire orders were not visibly displayed in the offices, the officer stations or in the accommodation units.

There was no evidence that daily checks include fire risk awareness. Nor any evidence that TPS practice evacuations from any of its RPC buildings

Finding 22

There is no system requirement for daily cell and unit security checks and no evidence that routine daily cell and unit security checks were conducted.

BUSINESS CONTINUITY

Contemporary prison management views business continuity as a core management function, a key strand of the governance system and an integral part of the planning and management processes.

Business Continuity Management is part of an overall approach to risk management; its objective is to build resilience by ensuring that operating units can continue to deliver critical services following an unplanned disruption to normal working.

Any prison is at risk of disruption from a variety of threats, which may vary in magnitude from catastrophic through to trivial, and include fire, flood, loss of utility supplies and the accidental or malicious damage of assets or resources. For example, a minor electrical fire or a burst water pipe may cause limited damage to assets, but if those assets are vital to service delivery, then the result can seriously impair the prison's capability to deliver that service.

While it is impossible to predict every kind of possible incident that may threaten the prison, it is relatively straightforward to set out a basic Business Continuity Plan (BCP), which can be implemented to cover a wide range of possible actions. The principal emphasis is on the response to the incident and not the cause of the incident. The plan must also be flexible; it has to work on public holidays, weekends or in severe weather conditions.

Contemporary prisons develop concisely written, comprehensive and (most importantly) 'Plain English' business continuity plans; because in the event of a disruption a well constructed and tested BCP will contribute to:

- ▶ Protecting the lives and the health of staff, prisoners and visitors;
- ▶ Maintaining public confidence in the prison;
- ▶ Reducing the impact related to a disruption of services; and
- ▶ Reducing potential financial losses.

Ideally a prison would be able to continue all of its services during a disruption. In practice, this is unlikely and therefore the focus would be on ensuring that critical services can continue to be delivered so far as is reasonably practicable. In a prison, critical services would likely include: the secure containment of prisoners; delivery of health services; court appearances; prisoner visits; meal services and so forth.

The RPC was unable to produce a business continuity plan for all or any of its facilities.

Finding 23

RPC does not have a business continuity plan for an unplanned disruption to normal working.

Such a plan should document essential services, for example: the secure containment of prisoners; delivery of health services; court appearances; prisoner visits and meal services.

SEPARATION

Separation (or segregation) is the detention of a prisoner away from all other prisoners or in association only with certain other prisoners.

There are generally only two types of segregation: administrative separation and protective separation. Prisoners may be placed on administrative separation for the safety of another prisoner or officer, or to maintain the security or good order and discipline of the institution. Protective separation, or protection, as it is more commonly termed, is normally provided at the request of the prisoner, for his or her personal safety. Segregation is not intended to constitute any form of punishment or retaliation. Rather, it is an important management tool in ensuring the safety of staff and prisoners and for good order in the correctional system.

It is recognised in contemporary correctional systems that removing a prisoner from mainstream is a very serious action and, consequently, the process should be strictly regulated by legislation. Indeed in some systems the authority to separate is not even delegated to the Prison Manager and approval in those systems must be sought from a higher authority i.e. external to the prison. Most prison systems have documented procedures that provide regular mandatory review of all extensions of separation and introduce a mechanism for accountability that specifies:

- The initial transfers and any extension must only be for reasons of safety, security, good order or discipline or on a prisoner's written request;
- The conditions under which a prisoner must be housed during the segregation period;
- The frequency of visits and or inspections by:
 - A medically qualified person; and
 - The General Manager.
- The frequency and manner in which the segregation order must be reviewed;
- That natural justice requires that prisoners be granted an opportunity to be heard before a decision is made against them and that the decision be made by a non-biased decision-maker⁷
- Both the original direction for segregation and any direction for extension must be given in writing and must include the grounds on which they are based; and
- That the prisoner must be provided copies of each and every order.

OBSERVATIONS AT RPC

Regulation 7 of the Corrections Regulations 2008 states:

“7. Separate Treatment

(1) The Director may order that, in accordance with any standing orders, a prisoner or detainee be subject to –

a. Separate confinement; or

(2) A person authorised to carry out an order under sub-regulation (1) may use reasonable force in carrying out the order if the person considers it necessary to do so.”⁹¹

Consequently a DSO is essential to apply the Regulation and provide guidance to staff. However the Inquiry was advised that there is no DSO and records show that one has not been issued since the new RPC opened in October 2006.

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The Inquiry was also informed that in addition to the Director TPS, only the Assistant Director and the General Manager could approve a segregation order, however, a copy of the instruments of delegation could not be located.

Finding 24

There is no evidence of a Director's Standing Order governing the separation of prisoners.

Recommendation 10

That a comprehensive DSO that details how segregations must be managed and administered, be developed and issued as a matter of urgency. At a minimum the DSO should specify:

- a. The initial transfers and any extension must only be for reasons of safety, security, good order or discipline or be based on a prisoner's written request;**
- b. The conditions under which a prisoner must be housed during the segregation period and the manner;**
- c. A medically qualified person must see the segregated prisoner each day;**
- d. That the general manager must inspect the segregation unit at least once each week and speak to all prisoners housed in the unit;**
- e. The frequency and manner in which the segregation order must be reviewed;**
- f. That, in accordance with natural justice requirements, a prisoner be granted an opportunity to be heard before a decision is made against them and that the decision be made by a non-biased decision-maker;**
- g. Both the original direction for segregation and any direction for extension be given in writing and must include the grounds on which they are based; and**
- h. The prisoner must be provided copies of each and every order.**

The segregation of a prisoner for any length of time, and particularly for extended periods, is a decision requiring close consideration and supervision and natural justice demands that a non-biased authority makes such a decision. Given the relatively small size of the TPS and the sensitivity associated with segregation there would appear to be no need for the Director to extend the delegation to segregate. The Inquiry recognises that there will be occasions when, for the good order of the prison, a prisoner must be moved to the segregation unit immediately and in those prison systems where the delegated authority is external to the prison, the relevant instruction generally provides for the Director to be immediately advised verbally and subsequently, in writing within 24 hours.

Given the close interaction one would expect to see between the Director TPS and RPC prison staff, it is considered that fairness, due process and transparency would be better demonstrated if the authority to extend an initial segregation was vested in the Director Corrective Services rather than the Director TPS.

On each occasion the extension should only be granted for documented reasons of safety, security, good order or discipline or be based on a prisoner's written request.

Recommendation 11

That the responsibility for extending a segregation order be transferred to the Director of Corrective Services.

WORKPLACE HEALTH AND SAFETY

The management of occupational health, safety and welfare in Tasmania is prescribed in the *Workplace Health and Safety Act 1995*.

The essential objectives of the legislation are not dissimilar to that in other jurisdictions, which could be generalised as:

- Avoid, eliminate and control workplace hazards;
- Provide employees with safety information, supervision and training appropriate to the hazards they are likely to encounter;
- Continuously improve the standard of workplace safety and health for all employees;
- Safety and health issues must be dealt with in consultation with employees through the elected safety and health representative; and
- Management is required to implement a strategy of hazard identification, risk assessment, and develop the necessary plans and procedures to improve all aspects of workplace safety and health.

The Tasmanian legislation mandates at least four meetings a year, however most high risk operations including secure prisons would be more likely to hold them each month.

OBSERVATIONS AT RPC

RPC does not have its own workplace health and safety committee. Rather, the records show that the peak body for WH&S sits at SMT level and is chaired by the Director TPS. Records support the staff assertion that the Committee was heavily weighted towards Management. The Inquiry was advised that there are two shop floor representatives and the records show that the attendance by either of the two representatives was spasmodic and insufficient given the Act requires management to engage in full consultation on workplace health and safety with the workforce.

The Department of Justice's website requires meetings at least every quarter, but given the industrial issues surrounding occupational safety at RPC it is difficult to understand why the SMT did not convene the WH&S committee more frequently to discuss and try to resolve the emerging issues. There is evidence of only two meetings being conducted during the calendar year 2010. Both meetings were held in the first half of the year – 21 January and 21 April 2010 – and the records show that they lasted 45 and 90 minutes respectively – a total of just over two hours for the entire year.

In the Inquiry's view this is inadequate, particularly given the industrial and security issues and the tensions that TPS has been dealing with over the past several years.

The minutes from the two meetings held in 2010 do not reveal a structured approach to WH&S and there are no comments on what would be considered standard practice in any contemporary workplace (not just prisons) including, for example:

- The results of in-house safety inspections;
- Details of any injuries or near misses;
- Updates on the progress of any returns to work;
- Risk assessments on new equipment or plant; and
- Updates on the progress of any action plans designed to fix previously identified concerns.

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The Inquiry was advised that minutes of the meetings were produced in note form and then transcribed by a clerical officer; circulated among attendees for confirmation and then finally circulated. This is an outdated practice, often generating disagreements on what was said or intended and resulting in late minutes and a further adverse impact on communications. Good practice minute taking is to display the agenda and comments on an overhead screen using a laptop or PC and record them in real time. At the end of the meeting the minutes and actions are complete and importantly are agreed by the attendees and can be immediately distributed to staff for action and advice.

Finding 25

There is insufficient evidence of management commitment to workplace health and safety.

Given the industrial issues surrounding occupational safety issues at RPC it is difficult to understand why the WH&S Committee did not convene more frequently to discuss and try to resolve emerging issues. Only two meetings were held between January and July 2010, with no meetings held between July and December 2010.

WH&S meetings, agendas and minutes do not reflect contemporary health and safety debates.

The Department of Justice's own website on workplace health and safety states that:

*"...Good housekeeping cannot be left to the unplanned activities of persons employed, but is, in its broad outlines, a responsibility of management. The undertaking should be laid out in such a way that it is easy for order and cleanliness to be observed..."*⁹²

The Inquiry could find little evidence that housekeeping at RPC is structured or managed in any way. Wardsmen (cleaners) in all of the accommodation units are not directed by officers on what or where to clean or indeed what the required standard is, rather, they are left to their own devices. Other evidence of poor housekeeping included:

- The grass around the maximum, medium and MHWP accommodation units was knee high in many places;
- The grounds around maximum were unkempt and cans, plastic bottles, milk cartons and paper was evident in many areas;
- The officer stations in maximum were all untidy and in many cases dirty. Given the observed minimal interaction with prisoners, staff should have enough time to ensure their offices were immaculate and an example to the prisoners;
- A number of cells were inspected at random in maximum – all were dirty and unkempt. Many cells had posters and drawings distributed on the cell walls in addition to the pin board;
- Many cells had a strip of paper mounted on the inside and covering most of the cell door window. Staff advised that the original Velcro-style cell door window covers had been removed by the prisoners and the strip of paper was a compromise informally approved by management;
- The covers on most of the mattresses had been removed. The staff advised that prisoners did not like sleeping on the covers, because they were uncomfortable. However, the bare foam absorbs body fluids and presents a potential and on-going health risk to both prisoners and staff;
- The yards in maximum were dirty and cigarette butts littered the corners;
- The unit floors and the tables in maximum were not cleaned from the night before. The rubbish bins were left full from the previous night and the microwaves were dirty;
- Loose piles of dirty laundry were observed on the ground outside some accommodation units and had been left from overnight. Officers advised that soiled linen, including linen containing blood, could lay in the access ways for a week or more before being removed; and
- The overall standard of the internal grounds, apart from the central walkway area, in medium was not acceptable.

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Given the number of unemployed prisoners it could be significantly and easily improved to the mutual benefit of prison safety and security and to otherwise inactive prisoners.

Examples of non compliance with accepted workplace health and safety standards include:

- ▶ The laundry chemical storage and dispensing area was covered in a deep layer of bird droppings, had chemical drums stored loosely, including drums laying on their side, and not contained within a barrier and had no chemical handling signs displayed or protective clothing available for handling of chemical drums;
- ▶ The laundry steam boilers are of the automatic type. Staff were not able to provide information on the operation of the boilers (other than press the On/Off button), locate emergency shutdown or stop valves or knew what to do in an emergency situation;
- ▶ Prisoners engaged in gardening duties were observed using equipment without or with incomplete personal protective safety equipment;
- ▶ Inappropriate and non-placarded storage of fuels, chemicals and fertilizers;
- ▶ Fire extinguishers were found by the Inquiry to be missing from a number of locations and when queried staff advised they were aware of the missing extinguishers but could offer no reasonable explanation as to why the matter had not been rectified;
- ▶ Inquiry test unlocks of fire hose cabinets using staff keys found most cabinet locks to be stiff and difficult to open. Locks and door hinges were observed to be lacking lubrication;
- ▶ Some prison officers were unable to explain the operation of the cell fire deluge system; and
- ▶ Lack of Fire Orders visibly displayed in the offices, the officer stations or in the accommodation units.

These illustrations of poor housekeeping and unacceptable WH&S standards and practices are not detailed here as part of some arbitrary audit process. Rather, they are listed to emphasise that the overall RPC work environment suffers from a lack of pride, discipline and compliance sufficient to place the prison complex at serious and continuous risk.

The Tasmanian *Workplace Health and Safety Act 1995* has been in place for some 16 years now and it would be reasonable to expect that a comprehensive risk assessment and mitigation program, audit and compliance reviews and operational safety procedures would be in place.

Finding 26

The controls around housekeeping and hygiene at RPC are effectively non-existent. Regardless that the Department of Justice mandates that "...good housekeeping... is a responsibility of management..." there is no SOP that articulates management's approach to housekeeping or hygiene. There is no cleaning program identifying the required standards and what should be cleaned each day.

DURESS ALARMS

Inquiry was advised that recently purchased additional duress alarms needed modifying to ensure that they integrated with the existing duress system before they could be issued. However the Inquiry was advised that the new duress alarms could not be modified to ensure total integration with the established system to the extent that depending on the user's location within the RPC, a new duress may prove ineffective up to 10 per cent of the time. This is a serious matter and needs addressing as a matter of urgency.

Staff also expressed a lack of confidence in the personal duress alarms and advised that if an individual wore a jacket over the duress alarm the sensors (located over the main unit access gates) may not record a signal from the duress. Staff cited, as an example, a duress holder who may have walked into maximum, but the location of the duress holder may still be recorded on the sensor system as being at the gate outside maximum, or indeed another part of the prison, and that this could lead to delay in assistance to the duress holder.

Finding 27

Recently purchased personal duress alarms are not completely electronically integrated into the established duress alarm system, consequently placing the staff at potential risk.

Recommendation 12

That a review of recently purchased personal duress alarms be conducted to ensure they are electronically integrated into the established duress alarm system.

A SECURE ENVIRONMENT TO SAFELY CONTAIN PRISONERS

The protection of the community is mission critical for prison management. It is achieved by having clearly defined policies and operating instructions for every aspect of prison management, well trained and supervised staff in every position, close liaison between the prison and its department and an effective intelligence capability.

Implicit in 'safe and secure' custody is a very clear understanding that not only is the community to be protected by minimising the risk of prisoner escape, but also that:

- A secure environment must be constantly maintained for staff, prisoners and visitors and any article or substance that may threaten the good order or security of the prison must be controlled; and
- Prisoners must be kept safe, treated with respect and dignity, and are to be reasonably engaged during their period of imprisonment.

To achieve this prisons must:

- Be proactive;
- Be practiced; and
- Follow policies and procedures explicitly.

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At the most basic level, it requires staff to know the location and condition of every prisoner at all times, and to be constantly vigilant to prevent escape and disturbance. To achieve this requires:

- ▶ Identifying and accounting for each prisoner each day and reporting these movements in line with the approved instructions;
- ▶ Management of the secure perimeter and everyone and everything that passes through it;
- ▶ Security infrastructure – physical and services – to prevent escape and any other actual or potential compromise to safety and security;
- ▶ Assigning prisoners to accommodation units and a variety of activities and programs;
- ▶ Establishing controlled areas and prohibited areas within the prison;
- ▶ Searching of people, places and things to prevent escape or other actual or potential compromises;
- ▶ Specific responses to situations that might compromise safety and security for prisoners, staff and visitors;
- ▶ Relationships and protocols agreed with third parties which will ensure that they are immediately notified, when appropriate, of any incident or emergency and can speedily react and help staff respond to it; and
- ▶ Relationships and protocols put in place and agreed with other agencies regarding the provision and use of intelligence to minimise the risk of incidents occurring at the prison.

THE PROTECTION OF THE COMMUNITY IS MISSION CRITICAL FOR PRISON MANAGEMENT

A SECURE PERIMETER

At the most basic level, a secure environment to safely contain prisoners in a high security prison demands the management of the secure perimeter and everyone and everything that passes through it.

THE PERIMETER FENCE

The perimeter fence including an array of cameras (CCTV) and floodlighting is the most immediate and visible element of a secure prison. Management systems and processes must be employed that ensure the integrity of the perimeter is maintained and managed consistent with the mandated requirements of the department. Contemporary high security perimeters are designed to have strength in depth – a system of multiple layers in which security counter-measures are combined to support and complement each other.

SIGNAGE

Regardless of the configuration of the fence/s it is good practice to display clear signs along its length warning the public that they are approaching prison property.

STERILE GROUNDS

Standard practice requires that the ground immediately outside of the outer fence and in-between fences is regularly sprayed, or treated in some other way, to control the growth of vegetation and maintain sterility. This practice is not just for cosmetic purposes, although a well-kept perimeter contributes to the overall impression of effective security. Its real purposes include assisting the Control Room operators and foot patrols to spot any contraband that may have been thrown over the fence; removing the available cover that would be used to assist an external threat to the fence and reducing the risk posed by snakes and grass fires. A terrain-following ground cover could be planted as a long-term low-maintenance solution to a sterile perimeter border.

PATROLS

It is good prison practice to conduct at least one patrol before unlock and a second one late in the day to confirm that there have been no attempts to tamper with the fence or that any items have been thrown over it. An operating instruction should document exactly what is required of the patrol officers, what they should look for and where they should walk. Importantly, if the first patrol is conducted in a clockwise direction then the second one should be conducted in the opposite direction, to counter the chances of not seeing something that could be important. Importantly, individual patrols, when made, must be recorded as having been conducted.

MAINTENANCE

The sub-contracting of maintenance, including to the perimeter fence, to either a private provider or a public works department is not unusual in prison systems. However, good practice demands that the prison has robust review and audit-style processes in place to ensure that the agreed maintenance schedules are firmly in place and that the service provider is regularly held to account.

OBSERVATIONS AT RPC

The relevant SOP governing Perimeter Fence Patrols and Response has not been re-issued since October 2006 and is deficient. Its deficiencies include:

- It prescribes vehicle patrols when in fact all patrols are conducted on foot;
- The route is not identified (importantly the Inquiry was advised that the outside of the external fence is not required to be patrolled);
- There is no reference to the times or frequency of patrols;
- There is no reference to the number of officers required to undertake patrols;
- There is no requirement for patrols to report while on the Perimeter; and
- There is no requirement to record that the patrols have been conducted.

The extreme outside fence is about 1.2 metres high (described by the prison as a ‘demarcation fence’) and surrounds both Risdon and MHWP. The demarcation fence does not carry any signage warning the public that they are approaching a prison. However, the next or second fence is electrified and displays signs. The ‘prongs’ of wire at the top of the demarcation fence are a deliberate feature and are constructed to bend or in some other way to demonstrate they have been interfered with.

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The Inquiry observed that a number of prongs were bent in two different locations suggesting some attempts at scaling the fence or of interfering with it had occurred. It is noteworthy that maintenance had not been undertaken to restore the prongs to their original position eliminating them as an effective preventive measure and reinforcing that the perimeter is not adequately inspected.

The perimeter was knee high in vegetation in large patches, both in-between fences and on the outside of the Perimeter. The vegetation makes it harder for patrols or the Control Room operator to spot contraband thrown over from outside the fence, while at the same time providing cover for anyone intent on an external threat. The Inquiry observed a number of empty rodent traps around the Perimeter and on further investigations the Inquiry was advised that because the bait in the traps is not routinely replenished (i.e. the mice killed) mice are reportedly causing expensive extensive damage to IT services such as carbon fibre-optic cables, by regularly chewing through them. Furthermore a grass fire near prisoner accommodation units would pose a severe health and safety risk to staff and prisoners.

Finding 28

Inadequate management of the Perimeter Fence renders the RPC vulnerable and potentially places the community at risk.

The relevant SOP is deficient. The original SOP envisaged a vehicle patrol which no longer occurs, there is no compliance program to provide assurances that the Perimeter functions at its designed levels and no evidence that a manager or supervisor routinely walks the Perimeter to observe its condition or assess the compliance of patrolling officers.

CONTROL ROOM

In most prisons, including the RPC, the principal responsibility of the Control Room operator is to ensure that continuous surveillance of the perimeter is provided and that appropriate responses are deployed to alarms generated on the perimeter and within the prison.

Most high security prisons recognise the unique nature of control room operations by staffing it with officers from a discrete roster and providing them with specialist training. In some prisons, the control room operators receive a skills allowance and are required to maintain an agreed level of proficiency in control room operations.

Other standard practices would include maintaining an operating manual articulating in considerable detail the purpose of the Control Room, who can enter, the installed equipment, the standard tasks required at the start of, during and at end of shift (monitoring cameras and radios, area and fence line observation, at risk prisoner observation for instance).

At Risdon Prison, at any one time, there are two officers in the Control Room and every two hours they exchange duties with the two staff in Reception. The key tasks in the areas include:

- ▶ Monitoring the CCTV monitors and the radio net;
- ▶ Surveillance of the prison buildings and perimeter;
- ▶ Coordinating responses to duress alarms and emergency codes;
- ▶ A central point for the Count; management of keys;
- ▶ Management of access control (both foot and vehicle traffic); and
- ▶ Control of the unit and cell lock and unlock process.

However, there is no SOP detailing how the Control Room is to function and while there were copies of the emergency orders, the officers appeared unsure if the collection was complete and were unable to demonstrate an ability to quickly identify the required procedures for a given emergency or incident.

Technicians from the company which installed the Security Management System (SMS) at RPC trained the initial group of officers in the operations of the Control Room and Reception over a period of some two weeks. Training is now delivered by some of the officers who were themselves trained in the initial group, however the Inquiry was informed that the training period is now significantly less than two weeks.

Staff advised that both the Control Room and Reception would often be operated by officers from anywhere in the prison. Posting staff to either position who are not familiar with the unique operations is clearly not good practice.

A Control Room must be as secure as it is possible to make it, however the door at Risdon Prison was found routinely wedged open. The Control Room itself was dirty and untidy

Finding 29

The operations and management of the Control Room are not specified in a SOP and are therefore subject to individual interpretation. This poses a risk to staff, prisoners and prison security.

There is no evidence that a manager or supervisor routinely attends the Control Room to observe its operations or assess the compliance of the officers.

ACCESS CONTROL

The most vulnerable parts of any prison perimeter are the authorised entry points for vehicle and pedestrian access.

Good practice recognises that procedures are needed for strategic activities including:

- Pedestrian access;
- Visitor management;
- Vehicle access;
- Prisoner visits; and
- Tool control.

FRONT GATE RECEPTION (PEDESTRIAN ACCESS)

Risdon Prison, like many high security prisons, has electronic screening equipment that includes an electronic Walk Through Metal Detector (WTMD) designed to deny entry to anyone detected carrying metal; and an x-ray machine for carry-in items. One of the advantages of a WTMD is that it denies individuals the opportunity to engage in 'piggy-back' access. Everyone seeking to enter Risdon Prison must satisfy WTMD scrutiny.

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The safe operation of WTMD and x-ray screening equipment is detailed in the equipment manufacturers manuals and prison operational procedures. In order to achieve optimum effectiveness of the screening equipment regular, preferably daily, system operational checks of the screening equipment should be undertaken to provide surety of the correct operation and consistent screening function of the equipment. A WTMD is tested by a multi point test using a standard metal test piece and x-ray equipment by passing a step wedge test piece through it and monitoring and adjusting settings to achieve consistent detection levels in these devices. The type of test piece used is consistent with the prison's assessed risk level of introduced objects and weapons. In most contemporary prison's screening equipment should be able to consistently detect small metal objects such as handcuff keys, scalpel blades and other weapons.

In prisons fitted with this type of equipment one would expect to find:

- ▶ A comprehensive SOP or operating manual detailing how the operation was required to run, describing the WTMD and x-ray screening equipment and their operational screening use and testing; and
- ▶ Trained staff whose competence is maintained by scheduled refreshers and supported by a skills register that identifies dates and frequency of training and current accreditation levels.

Good practice requires a blanket ban on personal hand luggage and any property should be carried in a clear plastic bag. Personal property such as mobile phones, laptops and USB sticks should be rigorously controlled and their entry only grudgingly approved, recorded on a register and the approvals register reviewed frequently.

Staff would expect to be asked to show their identify card on request as a matter of routine. About twice a month and usually at peak entry movement times, the identity cards of all staff entering the prison would be formally checked and they and their plastic bag would be screened and searched by being wanded and frisked by an officer and searched by a prison dog.

OBSERVATIONS AT RISDON PRISON AND MHWP

The relevant SOP for managing the Reception at Risdon Prison has not been re-issued since 2006. It is deficient and provides no instruction on operating either the WTMD or the x-ray screening equipment.

The Risdon Prison SOP on duress alarms was also issued in 2006 and it too is deficient. Staff advised that duress alarms were usually tested by the nightshift (although the SOP requires the individual who collects the duress to test it). However, the SOP is silent on how the actual test should be conducted and, importantly, there is no requirement to record the testing. The use of clear plastic bags for carry in items was observed to be standard practice in both prisons.

It is understood that the x-ray screening equipment in both Risdon maximum and medium facilities and MHWP operate with very low frequency x-rays and lead curtains are fitted to both machines to minimise the emission of x-rays.

The WTMD at Risdon Prison is designed so that if anyone walks into it and metal is detected on them a recorded voice issues a warning that the person will be denied entry and, simultaneously, the revolving door will stop abruptly and slowly rotate in the opposite direction, effectively pushing the person out of the WTMD. Staff advised that they had not been trained in its use and relied exclusively on the WTMD's automatic operations to identify any hazards. The WTMD failed a multi point test, using a standard test piece, which was conducted by the Inquiry.

The WTMD at Mary Hutchinson's Women's Prison is a static design (rather than a revolving door as at Risdon Prison). It also failed a multi point test using a standard test piece conducted by the Inquiry and staff acknowledged that they routinely ignored its audible and visual alerts. The WTMD was observed on a number of occasions to have the red alarm lights for one detection circuit constantly illuminated. The ability of this WTMD to provide surety of detecting metal on a person could not be relied upon. Indeed staff stated that they relied on the use of a Hand Held Metal Detector (HHMD) for screening all persons entering the prison.

Staff who were interviewed advised that they had received no refresher training in the use of WTMDs and x-ray screening equipment and that untrained staff were deployed to both Reception points when the need arose. Some staff were aware that the x-ray screening equipment had a number of additional features, but advised that they were not competent in how to access or use such features to enhance the screening process.

Interviewed staff advised that they were not aware of the standard daily checks that WTMDs and x-ray screening equipment required to ensure consistency of operations. They also advised that the reliability of the WTMDs varied from day to day so that an item may be detected one day, but not on another and items worn in different locations on a person also had variability in detection.

Staff use of HHMD wands was variable and based more on personal preference rather than a consistent structured screening of a person to detect the presence of metal on that person.

The introduction of changed work practices such as increasing reliance on technology can expose a prison to new vulnerabilities and risks. The WTMDs and x-ray screening equipment should be improvements to front of house security, but they are of limited use if the staff cannot use them effectively and to their full potential and if the equipment is not tested and set to the required detection parameters to ensure consistency of detection in daily operation.

There is a ring binder held at the Reception desk at Risdon Prison detailing which staff are approved to bring in equipment such as laptops, mobile phones and USB sticks, but the Reception staff advised that they never looked at it because it was never updated. The Inquiry examined the list of approvals and found that it ran to some three pages; was unsigned or dated and carried the signature block of the previous General Manager.

Staff and visitors to Risdon Prison must also satisfy the biometric hand scanner housed in the second roto turn and enter a password (for staff only), at both entry and exit. However there is no reconciliation between entry and exit records to alert the Control Room or Reception officers that a visitor may not have left the prison.

A contractor services the WTMDs and the x-ray screening equipment, but there are no processes in place to ensure that the service provider is regularly held to account and that the equipment is always operating at optimum effectiveness.

Staff advised that such testing of the screening equipment is not routinely undertaken at Risdon and that there is a history of a high level of variability in detecting items in both the WTMD and x-ray screening equipment.

Finding 30

Inadequate management of the Front Gate Reception renders the RPC vulnerable and potentially places the community at risk.

There is no overriding SOP detailing how the Front Gate Reception should operate. There is no evidence that a manager or supervisor routinely attends the area to observe its operations.

Many staff were not confident in their ability to operate the WTMDs and x-ray screening equipment and had received no refresher training since their initial recruitment.

SALLY PORT (VEHICLE ACCESS, SEARCHING AND EXIT)

The overriding principle for limiting risk at a Sally Port is to ensure that access is restricted to essential vehicular traffic only. In plain terms, the doors of a prison Sally Port should be opened only when absolutely necessary and its operation should be documented in an SOP.

Good practice requires establishing a process that coordinates vehicular access to the prison at set times, with advance notice provided to the Control Room about impending deliveries. Vehicle drivers should have undergone a police security clearance. All drivers should be searched/screened in line with the Sally Port entry process. All vehicles, including prison vehicles and equipment, such as lawn mowers, should be searched in line with the Sally Port entry process.

Good security in a Sally Port would include: searching inside, on the top of, and underneath vehicles using a wheeled mirror or scanning equipment; recording any tools and equipment; securing any mobile phones or weapons in a locker; and screening the drivers. On exit, the driver's identity would be confirmed and all the tools and equipment acquitted.. Importantly, all these actions should be recorded in a dedicated register.

Equipment would be provided to search under and inside a vehicle, including a wheeled mirror with illuminating lights, steps and platforms.

OBSERVATIONS AT RISDON PRISON

There is no SOP detailing the procedures for operating the Sally Port. Any movements in or out are recorded on loose forms that are not numbered. The Inquiry examined the completed forms for the month of January 2011 and there were many instances of missing and incomplete information.

Staff advised that the wheeled mirror in the Sally Port, provided to examine the underneath of vehicles was not routinely used, because it had been badly cracked some years previously. The Inquiry examined the wheeled mirror and noted that it was dirty, that there were cobwebs on it and the handle, and the mirrored surface had a number of cracks on it.

The Inquiry observed the following movements through the Sally Port over several different days:

- Two prisoners (from minimum security) drove in on ride-on lawn mowers. The two prisoners were screened using a HHMD, but the mowers and the gloves and caps (taken off by the prisoners and left on their seats) were not searched;
- A police car entered the Sally Port, the two non-uniformed occupants were not asked for identification nor were they or their vehicle searched, and their entry was approved solely on the presentation of a standard government form to collect a prisoner for outside questioning;
- The driver of the laundry-van (a TPS staff member) was not searched;
- More importantly, the back of the laundry van was not opened and searched and neither was the underside of the vehicle either on entering or leaving. The Inquiry was advised that searching the back of the vehicle was the responsibility of the laundry staff. Staff advised that searching the back of the vehicles had been banned because climbing into vehicles was a WH&S hazard due to the risk of falling. There is no instruction addressing or governing this issue to this effect and, in terms of competing risks, this is difficult to understand or justify and indicates a serious failure to manage risk;
- Four day-shift members of the TRG entered the Prison through the Sally Port; by-passing entirely the scrutiny their colleagues are routinely subjected to. The members of the TRG were allowed entry through the outer Sally Port door and into the Gatehouse Reception building by the Control Room operator apparently solely on the basis that they were dressed in TRG-type clothing. No attempt to obtain ID or identify any of these four people was made. This practice could be forgiven in an emergency, but not when simply reporting to work.

Finding 31

Inadequate management of the Sally Port renders the RPC vulnerable.

There is no overriding SOP detailing how the Sally Port should operate. There is no evidence that a manager or supervisor routinely attends the area to observe its operation.

PRISON COUNTS AND UNLOCKS

At the most basic level, prison management need to know the location and condition of every prisoner at all times, and to be constantly vigilant to prevent escape, injury and disturbance. This demands solid practices that ensure that prisoners can be identified and accounted for at any point in any day and the reporting of their movements in line with approved instructions. Prison counts are generally of two kinds – one is always against a photographic identification and the second is simply counting heads. Prisons should use both.

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Good practice would ensure that formal identification against photographs occurs at least twice during the day, which, in the case of RPC, would logically be at lunchtimes and evenings (when prisoners are secured in cells). This practice safeguards against predatory or opportunistic individuals, by ensuring that the right prisoner is secured in the right cell or accommodation unit. It is also good practice at the morning unlock, because it allows the officers, who may not usually work in the particular unit, to recognise and greet the prisoners by name.

The Count is a critical activity within any prison and well established practices include the requirement that:

- ▶ An officer of at least the rank of supervisor controls, collates and declares the Count correct (or re-count as the case may be);
- ▶ The prison muster is accurately maintained in at least two different locations within the prison;
- ▶ Prisoner movement within the prison is halted until the Count is declared correct;
- ▶ Formal counts are conducted at specified times of the day; and
- ▶ Informal counts are conducted randomly, but regularly, during the day.

Unlocks and lockups should be supervised by a manager located in the control room to drive the unlock at the appointed times and equally as important to ensure that prisoners are not re-secured before the specified times.

OPERATIONS AT RPC

The relevant SOP for conducting counts has not been re-issued since October 2006. It is deficient. In particular it does not mandate Counts using the prisoners' photographs.

The Inquiry observed the unlocks in a number of accommodation units.

OBSERVATIONS OF THE COUNT AND UNLOCK IN MAXIMUM

Two officers walked passed each cell, opened the trap, observed the prisoner inside and handed him a 300ml container of milk and then closed the trap. Staff did not carry a Count book or notebook to formally record the Count and prisoner photographs were not used as part of the Count process.

"...we issue xx cartons of milk and if we have no milk left over the count must be correct" ⁹³

Staff advised that the normal unlock time was 07:30am, but it was not conducted until at least 07:45am, on the days that the Inquiry observed the unlocks, although officers recorded the unlock as 07:30am on each occasion. The Inquiry noted that there did not appear to be any urgency to unlock the prisoners by or before 07:30am.

OBSERVATIONS ON THE COUNT AND UNLOCK IN MEDIUM

Single officers attended at a window outside each accommodation unit and summoned the prisoners to be viewed and counted. The prisoners lined up inside the darkened accommodation unit in a haphazard manner, moved out during the Count and were not formally identified by photographs.

Staff then returned to the office and held a unit meeting at which needs of a number of individual prisoners were discussed and solutions developed. The atmosphere was constructive and respectful.

The interaction between staff and prisoners during the unlock was good humoured and respectful and many first names were used in a constructive and friendly way by both groups.

OBSERVATION ON THE COUNT AND UNLOCK IN MHWP

At about 07:00am staff held an informal meeting and some prisoner issues were discussed. Comments were constructive and respectful. At about 07:20am all staff conducted a patrol around the accommodation block. The grass was knee high in places and presents a real hazard to security and safety.

The Count in the Dormitory was not conducted until 07:45am, when the prisoners assembled in the common room, in a relaxed but attentive manner and their names were called out and mail simultaneously distributed. The Count and Unlock in secure accommodation was conducted sensitively by staff who tapped on the window of each room, before lifting the curtain to look in. In both dormitory and the secure unit the Count was conducted in a very personable and respectful manner.

The Inquiry noted that there did not appear to be any urgency to unlock the prisoners before 07:45am and prisoners were not formally identified by photographs.

OBSERVATIONS ON THE COUNT AND UNLOCK AT RBMSP

The Inquiry observed a Count conducted in each unit. Prisoners answered when an officer called out names detailed on a list on a clipboard. However there were no photographs of the prisoners available to the officer with the clipboard.

Prisoners moved out of the unit after their name was called, but before the Count was completed. This behaviour makes it easy for a prisoner to be counted as present even if he is missing. Good practice mandates that all movement cease until the Count is called correct. Prisoner movement was observed to be related to getting to their respective work positions for the day, and is an indication of the value of prisoner work opportunities.

Prisoners' access to time out of the cells or rooms is not maximised or controlled. Records show that staff routinely recorded the times of unlocks at 07:30am, but the Inquiry noted the absence of any sense of urgency to unlock prisoners before 07:45am and at interview most prisoners complained that the unlocks were always late, but that lockups always happened on time or earlier. Late unlocks and deliberate early lockups are friction points for prisoners and generate unnecessary and avoidable animosity.

In all interstate prison facilities visited by the Inquiry, the attention to punctuality of unlocks was rigorous and there was an expressed recognition of the importance to prisoners of the punctuality of unlock and lockdown schedules.

Finding 32

The management of prisoner counts is defective.

Prisoners are not routinely identified by photograph and consequently management cannot be certain for example that:

- ▶ A predatory prisoner has not been secured with potential victims; and
- ▶ A prisoner has not exchanged places with another.

There is no evidence that a manager routinely attends the Control Room to supervise the prisoner count.

Finding 33

Prisoner out-of-cell time is not managed in accordance with prison expectations.

Records show that staff routinely recorded the times of unlocks at 07:30am, but the Inquiry observed significant variations which always resulted in a reduction in time out of cells or accommodation rooms for prisoners.

Recommendation 13

That management immediately initiate arrangements that ensure prisoners receive their approved prisoner out-of-cell time and that approved out-of-cell time schedules are adhered to.

Recommendation 14

That an SOP be produced as a matter of urgency which articulates the accountability and timeframe for prisoner lock and unlock procedures.

SEARCHING CELLS, AREA AND STRIP-SEARCHING

Searches of physical items and structures and screening and searching of persons are primary mechanisms by which the safety and security of the prison and all persons within it is achieved and maintained. Effective searches and screening will significantly assist a prison to:

- ▶ Detect and prevent the passage of contraband;
- ▶ Prevent the introduction of weapons, needles and other sharp items;
- ▶ Assist in preventing escapes and other disturbances; and
- ▶ Eliminate fire and other hazards.

OBSERVATIONS AT RPC

The relevant SOP which (issued in October 2006) deals with searching and screening at Risdon Prison has some merits, however most staff spoken to during the inspections advised the Inquiry that they were not aware of its existence.

Some staff at RPC advised the Inquiry that they were not assigned to search specific cells/rooms. Rather, they decided themselves whom to search (with the attendant risk that cells belonging to difficult or low hygiene prisoners are less likely to be searched); staff in other units advised that they were assigned specific cells/rooms to be searched by their supervisor.

Although records at all three prisons showed that all cells and rooms were searched very regularly, many prisoners advised the Inquiry that several months could elapse between their cells or rooms being searched.

Searching in prisons is intended to locate any introduced contraband, including drugs, weapons and needles, any interference with cell fittings or structure and the identification of fire health or other risks to prison safety. However there was no evidence at RPC of a structured system of regular, routine, programmed or random and unannounced searching of buildings, fixtures, vehicles, visitors and staff at a frequency consistent with the assessed level of the risk. In addition:

- Staff did not conduct a daily security check of the cell envelope (hinges, locks, bars, windows etc);
- Cells were not routinely searched when they were vacated;
- Logs and registers are loose leaf paper and were incomplete in most units for the month of January;
- There is no quality check to ensure that cells are searched properly;
- The searching of common areas is left to the officers' discretion; and
- There is no compliance program to confirm that cells are actually searched as recorded and the only check is if a box has been ticked on a sheet of paper.

Finding 34

Inadequate management of searching and screening renders the RPC vulnerable.

There was no evidence of a risk-based system of regular, routine, random and unannounced searching of buildings, fixtures, vehicles, visitors and staff.

Controls are virtually non-existent and the relevant SOP is deficient.

There is no evidence that a manager or supervisor routinely attend any cells, area or strip searches to observe practices.

A strip search involves a prisoner removing their clothing and visual examination of the prisoners body and clothing by prison officers. Strip-searches are the most invasive search that an officer can conduct. They can be embarrassing for an officer and humiliating for a prisoner and are a perennial friction point. Strip searches should only be carried out by staff of the same gender as the prisoner being searched and should set out in clear, unambiguous steps exactly what the officer requires the prisoner to do. All strip searches should be recorded in a dedicated register.

Finding 35

The relevant SOP for strip-searching at Risdon Prison maximum and medium security units is deficient.

The SOP does not provide sufficient guidance to officers on how to conduct a strip search.

The Inquiry was concerned that there was no strip search register in the Visitors Centre.

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KEY CONTROL

High tech, electronically operated Security Management System (SMS) are being increasingly introduced into high security prisons. A contemporary SMS can increase efficiencies, improve security and reduce some risks including the compromise of security keys.

In hi-tech prisons, such as RPC, custodial officers do not carry the conventional cell or barrier keys, nevertheless they do carry keys to offices, tool cupboards, fire cabinets and handcuffs. Consequently, solid procedures and compliance to them is still necessary because a lost or misplaced key can threaten the security of the prison.

Good standards include:

- ▶ Maintenance of an up to date master key register;
- ▶ Reconciliation of keys on issue and return;
- ▶ Secure storage of all keys (including duplicates, pattern keys and blanks);
- ▶ Account for, and replacement of, lost or damaged keys;
- ▶ Sealed key bunches;
- ▶ A full physical check of all keys each week; and
- ▶ A prison-wide reconciliation of all keys against the master key register at least quarterly.

OBSERVATIONS AT RISDON PRISON

The relevant SOP which details the procedures to manage and control keys was issued in 2006. It is deficient. When it was written it assumed that all keys would be held in an electronic key safe, however the day-to-day key bunches handed out to staff are stored on open key hooks in an unsecured and open room at Reception when not in use.

The Inquiry was informed that a master key register had never been developed for the RPC, however over the last 12 months a manager had produced one for Risdon Prison. In the Inquiry's view the register looked comprehensive, but still needs validating and the registering process must be extended to the other sections of the RPC as a matter of urgency.

A further missing control is that keys, handcuffs, and duress alarms are not issued by the Reception staff. Rather, they are collected by oncoming staff. The nightshift staff place keys, handcuffs, and duress alarms on the Reception desk from where they are picked up by the oncoming day shift. The oncoming staff are expected to sign a loose form confirming that they have picked up their equipment including keys, but there is no check that staff actually sign the form, or take their allocated equipment or someone else's (or both), nor that items such as duress alarms were operational when collected, or tested on collection.

The loose forms are supposedly placed in a two-ring binder at the end of each day; however forms from different days were missing and many that were in the folder were incomplete and had not been signed by a supervisor or manager and presumably had not been sighted by them either.

Staff do not attach their keys to lanyards as required by the SOP. A manager advised that lanyards were not considered safe because an officer had been assaulted several years ago before the new prison was opened when his key jammed in a cell lock and he had been unable to defend himself because he was in effect tied to the cell door. However, many secure prisons operate lanyard systems as part of their key control arrangements and the issue at RPC was more likely to have been a problem with the cell lock than with the lanyard system.

Finding 36

The SOP at Risdon Prison on key security is deficient and the management of keys and handcuffs is not adequately controlled.

HANDCUFFS

In contemporary prison systems the type of handcuffs and other mechanical restraints used and the occasions when their use is approved is tightly controlled in detailed regulation or legislation. Although each prison system may differ in the way that use and control is expressed, all clearly state that:

- ▶ Restraints are only to be used in circumstances where the actions of the person who has been detained are so severe that there is a risk of injury to that person, bystanders or to the officers involved; and
- ▶ The person being detained is only to be restrained for as long as necessary in the circumstances.

OBSERVATIONS AT RISDON PRISON

Regulation 7 of the Corrections Regulations 2008 states:

“7. Separate treatment

- 1. The Director may order that, in accordance with any standing orders, a prisoner or detainee be subject to –*
- B) the use of mechanical or chemical restraints.*
- 2. A person authorised to carry out an order under subregulation (1) may use reasonable force in carrying out the order if the person considers it necessary to do so.”⁹⁴*

The Inquiry was advised that there is no DSO governing the use of mechanical restraints and records show that one has not been issued since October 2006.

Finding 37

The Inquiry was advised that there is no Director’s Standing Order governing the type and use of mechanical restraints and the records show that one has not been issued since October 2006.

The use of restraints appears to be solely at the discretion of individual officers.

Members of the Inquiry observed handcuffs being used in varying circumstances. For example, some prisoners were brought to their interviews with the Inquiry with their hands restrained behind their backs; others were handcuffed even though the interviews (at staff insistence) were held in a non-contact visit cubicle. During the interviews some prisoners advised the Inquiry that they were sometimes handcuffed to the cell door while their cell was being searched. The Inquiry also observed staff in the Tamar Unit handcuff prisoners for the short walk from their cell to the exercise yard and back. On a number of occasions viewed by the Inquiry the decision to use restraints appeared to be based simply on the judgement of an individual or group of officers and to be unrelated to any particular action or incident or the behaviour of the prisoner.

CHAPTER 6 - THE WORKPLACE

The Inquiry understands that, from time to time, to better ensure staff and other prisoners' safety, some prisoners may need to be escorted in handcuffs. However, the application of restraints at Risdon Prison appears completely arbitrary and at the discretion of individual officers. The inconsistent use of restraints can only lead to greater frustration among prisoners, often resulting in angry outbursts. Unless the use of mechanical restraints is demonstrably consistent and reasonable, the practice will lose credibility and be perceived, if not actually become, a form of sanctioned bullying or intimidation.

Recommendation 15

That a comprehensive Director's Standing Order be developed and issued detailing the mechanical restraints that are approved and how and in what circumstances they may be applied.

TOOL CONTROL

A good security culture includes the ready acceptance by all staff that the availability, storage, use, issue and retrieval of tools, sporting equipment, culinary equipment and utensils is controlled. Contemporary standards include:

- ▶ Specification by the General Manager of the persons authorised to purchase implements;
- ▶ Maintenance of individual master registers for tools, sporting equipment, culinary equipment and utensils;
- ▶ Physical counting of implements on issue and return;
- ▶ Secure storage of all implements when not in use;
- ▶ Accounting for all lost or damaged implements;
- ▶ Prevention of unauthorised access by prisoners; and
- ▶ Controlled access to fuel, gas bottles and combustible substances.

OBSERVATIONS AT RPC

While the SOP detailing Tool Control Management for Risdon Prison has some deficiencies and could be further improved, it shows some insight into contemporary prison tool management. However, it is clear that even its limited requirements have never been implemented. The Inquiry observed many examples of poor tool and equipment control including:

- **The Laundry** has a large range of unsecured hand tools including spanners, hammers and screwdrivers. The tools are not engraved or marked; the issuing of tools is not recorded; the tool register is not used and the Inquiry was advised that there is no reconciliation against a master tool register;
- **The Sewing Shop** has many tools including shears, scissors, and needles. Several tools were mounted on the back-board of a glass-fronted cupboard, but not engraved. There were other unrecorded tools in a filing cabinet in the office;
- **Gardening:** the gardening gang in Risdon Prison employs eight prisoners from medium. There was no evidence of tool control, a tool register or a record of what tools had been issued at any one time and the many gardening tools – spades, rakes, shovels and so forth in the shipping container that served as a workplace were not marked. In addition there was an unsecured 20 litre container of petrol within the shipping container, along with chemicals and fertilizer;
- **Brooms and mops:** although generally required to be removed from cells overnight, their removal is not confirmed or recorded and reconciled against the unit inventory;
- **Kitchen knives:** in the RBMSP are not attached to work benches with secure lanyards; and
- All tools in the **Maintenance Shed** were engraved and recorded on a Master Tool Register. The most recent version of the register was dated December 2009; however, when three tools were selected by the Inquiry at random, two were not engraved and the number etched onto the third did not tally with the description on the tool register. Consumables such as grinding discs are not reconciled against inventories, but are disposed of in a bin outside the shed.

The Inquiry was also advised that when maintenance staff entered the units, the officers never inspected a toolbox, or counted the tools in or out, and that the maintenance shed had never been audited.

The Inquiry also noted a failure to understand that the securing of common prison resources is an important and integral part of everyday work practices including:

- **Garden hoses:** are not controlled. For instance, one lay immediately adjacent to the inner Sally Port gate and every one who entered the prison had to walk past it. Hoses make very adequate ropes with which to attack razor wire and must be controlled;
- **Volleyball and tennis court nets** are not controlled and are not routinely removed at the end of the day. Again, nets make useful tools to attack razor wire and to scale fences;
- **Garden wheelie bins:** are not secured to fixtures. Wheelie bins have been successfully used in prison escapes by prisoners removing the lid and cutting out the base, then pushing the bin under the razor wire and crawling through the tube avoiding any contact with the razor wire.
- **Milk crates:** are widely available. Makeshift ladders have been made from milk crates and used to successfully scale fences.

Finding 38

The control of tools, sporting equipment, culinary equipment, and utensils is effectively non-existent. The limited requirements of the SOP are not effectively implemented and there is clear evidence of serious failures.

There is no evidence that a manager or supervisor routinely attends any area that uses tools, implements or recreational equipment to observe the operation/ activity or staff compliance.

Recommendation 16

That the TPS as a matter of urgency introduce and implement:

- a. A program within the RPC that ensures that all senior management routinely visit all sections of RPC each week; and
- b. A schedule of both routine and structured, minuted, meetings including:
 - ▶ Workplace Health and Safety meetings (monthly);
 - ▶ Local Consultative meetings (monthly);
 - ▶ Management and Prisoner Representative meetings (monthly);
 - ▶ Risdon Prison Management meetings (weekly);
 - ▶ Mary Hutchinson Management meetings (weekly);
 - ▶ Ron Barwick Prison Management meetings (monthly);
 - ▶ Senior Management Team meetings (at least fortnightly); and
 - ▶ Security meetings (monthly).

Recommendation 17

That the TPS address, as a matter of priority, the management and effective operation of the following RPC security requirements:

- a. The Perimeter Fence including the issues identified in Finding 28;
- b. The Control Room including the issues identified in Finding 29;
- c. The Front Gate Reception including the issues identified in Finding 30;
- d. The Sally Port including the issues identified in Finding 31;
- e. The Prison Count including the issues identified in Finding 32;
- f. The prison unlocks and lockups and prisoner time out of cells including the issues identified in Finding 33;
- g. Searches including the introduction of a structured system of regular, routine, programmed random and unannounced searching of buildings, fixtures, vehicles, visitors, and staff at a frequency in accordance with the assessed level of risk and the issues identified in Finding 34;
- h. Strip searches including the issues identified in Finding 35;
- i. Key control and the use of and mechanical restraints, including the issues identified in Findings 36 and 37;
- j. Tools, sporting equipment, culinary equipment, and utensils including the issues identified in Finding 38;
- k. Housekeeping and hygiene including the issues identified in Findings 17 and 26;
- l. Personal duress alarms including the issues identified in Finding 27; and
- m. Fire drills and evacuation exercises for staff and prisoners including the issues identified in Findings 19 and 21.

Recommendation 18

That within RPC the TPS:

- a. Conduct a full risk assessment of the entire operations of the prison;
- b. Re-writes all SOPs to reflect the outcomes of the completed risk assessment and contemporary correctional practices in Australia;
- c. Conduct training needs analyses across all disciplines;
- d. Introduce an effective incident management system to deal with security, risk management, workplace health and safety, operational compliance and facility hygiene, to highlight areas of key risks and to develop and then ensure compliance to the preventive interventions;
- e. Introduce a risk-driven audit schedule;
- f. Introduce management reviews;
- g. Develop a business continuity plan for each section of the RPC;
- h. Relocate the Emergency Management Centre to an operationally effective and secure location;
- i. Secure the room containing mission-critical IT equipment to prevent unauthorised access; and
- j. Introduce into all operational areas bound logs and registers with numbered pages.

THE TREATMENT OF PRISONERS

The Tasmania Prison Service, like all prison systems across the world, has a duty of care to ensure the safety and well being of prisoners. The concept of a duty of care to prisoners is grounded in Common Law but has been developed by Her Majesty's Inspectorate of Prisons in the UK.⁹⁵ It is now widely accepted as a definition of what ought to be provided in any custodial environment.

In a healthy prison:

- The weakest prisoners feel safe;
- All prisoners are treated with respect;
- All prisoners are busily occupied and are expected to improve themselves; and
- All prisoners can strengthen links with their families and prepare for release.

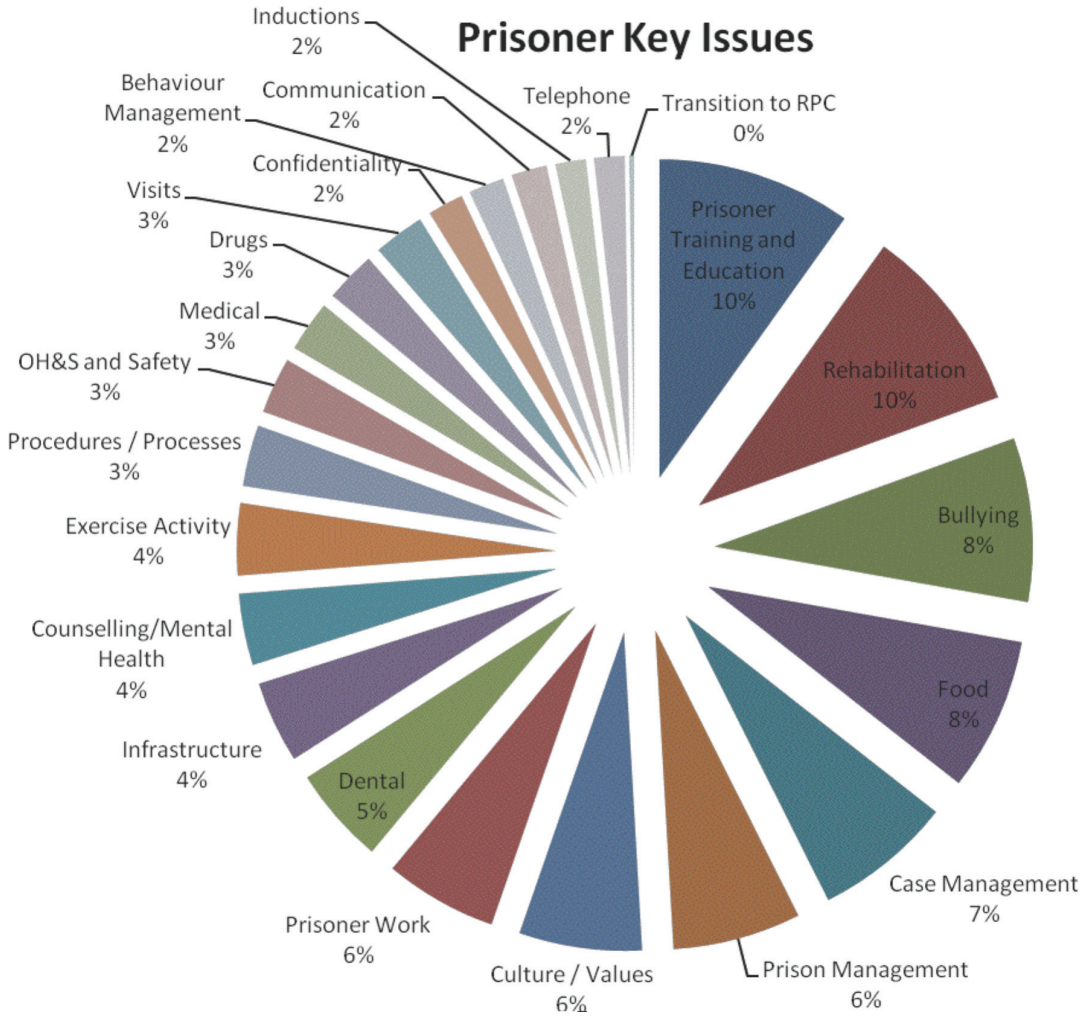
The key to a healthy prison consists of good relationships between staff and prisoners, which in turn generally depends on good relationships between management and staff. While staff may try to maintain good relationships with prisoners even though feeling victimised or unfairly treated by management, this would be both more difficult and less likely.

These outcomes were tested at RPC by the Inquiry and most were found seriously wanting.

The following pie chart and table illustrate the range of issues which RPC prisoners identified, during Inquiry interviews, as the issues of most importance and concern to them.

Infrastructure was raised as a concern by 16 prisoners, but the issues raised most frequently were; prisoner training and education (38), rehabilitation (37), bullying (32), food (30), case management (27), prison management (25) and culture and values (24).

Although these figures are only indicative, as they are simply based upon the number of times particular issues were raised by the 66 prisoners interviewed, the range of issues and the frequency with which many were mentioned, is directly relevant to the assessment and findings that follow.



ISSUES RAISED BY PRISONERS DURING INQUIRY INTERVIEWS

Prisoner Training and Education	38
Rehabilitation	37
Bullying	32
Food	30
Case Management	27
Prison Management	25
Culture / Values	24
Prisoner Work	22
Dental	19
Infrastructure	16
Counselling/Mental Health	14
Exercise Activity	14
Procedures / Processes	12
WH&S and Safety	11
Medical	10
Drugs	10
Visits	10
Confidentiality	7
Behaviour Management	7
Communication	7
Inductions	6
Telephone	6
Transition to RPC	1
Sample Size	66 prisoners interviewed

PRISONER SAFETY AND BULLYING*HEALTHY PRISON TEST: THE WEAKEST PRISONERS FEEL SAFE***Finding 39**

Almost half the prisoners at RPC who were interviewed or answered a confidential questionnaire, reported feeling unsafe themselves, or that they were aware that other prisoners were being bullied.

Life can be miserable and frightening for prisoners who are threatened or bullied. Where bullying occurs it is often accompanied by an increase in assaults and/or prisoner self-harm. In extreme cases, it results in suicide. There does not appear to be any clear evidence of an increase in self-harming behaviours but assaults have increased since the RPC opened, after an initial decrease. Bullying can take many forms. Weaker prisoners may be subject to cat calls, abuse, or assaulted. They may be bullied into handing over canteen buy-up items such as tobacco or food, or even providing sexual services.

CHAPTER 7 - THE TREATMENT OF PRISONERS

The RPC is the only purpose-built maximum and medium security prison in Tasmania. Consequently, there is not the flexibility available to mainland prison systems to easily segregate prisoners. The only options available are to place prisoners in the designated protection unit at RPC (not separated by any physical barrier) or to hold a number of particularly vulnerable long-term protection prisoners at the Hobart Reception Prison (which has almost no facilities for employment or for prisoners to get out on to an oval), which in turn results in a number of remanded prisoners having to be held at RPC.

The *Standard Guidelines for Corrections in Australia* is explicit that prisons should develop and implement a prisoner safety regime which:

- Prevents bullying and targets perpetrators;
- Provides an immediate and effective incident response;
- Identifies prisoners who present a risk to prison staff or other prisoners; and
- Places prisoners in situations which minimise their opportunities to be harmed or harm others.⁹⁶

The need to segregate prisoners is made more acute because Tasmania's small population means that many prisoners may be well known to each other. Feuds or drug debts outside prison may be the subject of payback inside prison. Prisoners convicted of sexual offences, particularly child sex offences, become particular targets. Such prisoners, along with any young, weak or effeminate-looking prisoners are usually housed in the protection unit and contact with other mainstream prisoners is largely precluded.

Under the prisoners' (unofficial) yard code, prisoners in protection are broadly adjudged as deserving contempt and abuse, whether they are known to other prisoners or not. While the Inquiry witnessed many instances of staff 'doing the right thing' by protection prisoners in the RPC, the Inquiry also witnessed the unnecessary exposure of protection prisoners to view and abuse from the wider prison population as they walked past mainstream prisoner accommodation to the oval or to attend a family visit. During these times they were clearly identifiable by the bright red lanyard attached to the identification card that protection prisoners wear at all times.

The levels of separation and the quality of security for protection prisoners within Risdon Prison is inadequate and the necessity for them to use shared common open areas places them at continuous potential risk. More secure physical separation arrangements need to be implemented to provide both safety and increased comfort and peace of mind to protection prisoners.

No prisoner should live in fear and ways should be sought to minimise prison routines that expose protection prisoners in this way.

Finding 40

Protection prisoners are too easily identifiable to other prisoners and are insufficiently physically protected.

The Inquiry noted that a small but significant number of prisoners were elderly and a number of these prisoners told the Inquiry that the prison can be a difficult place for the elderly.

The number of older prisoners is likely to grow in Tasmania as it has elsewhere. However, the Inquiry found no overall strategy for managing older prisoners. Many older prisoners do not feel safe and find prison life particularly difficult.

There is a greater level of psychiatric morbidity in older prisoners⁹⁷ than in younger prisoners and some older prisoners have age related mobility problems. Because of age-related physical ailments, older prisoners often do not go out to exercise and can find difficulty with every-days things (such as personal hygiene) because of the way the infrastructure is configured.

However, there is a danger in generalising older prisoners' needs, as was found by the England and Wales Inspector of Prisons:

“By no means all older prisoners are disabled or infirm. Although we refer to older prisoners as a group, they are not to be stereotyped. We encounter many who were active and independent; others were resilient and determined to survive despite poor health and limited mobility. However, for a small minority of prisoners, every day meant a struggle to do even the simplest of tasks. Some had become wholly disengaged from staff and other prisoners, as a consequence of physical or intellectual degeneration, or mental health problems. And, for the majority of older prisoners, health, mobility and hearing became less robust with age: particularly as studies have shown that prisoners tend to age up to 10 years more than their biological age. In general, the older the prisoner, the more barriers there were to active life, the greater their mental and physical health needs, and the less likely it was that they would be able to live and function in dignity.”⁹⁸

Finding 41

RPC has not made any provision for managing the physical and mental needs of geriatric prisoners.

Recommendation 19

That, in planning for Stage D development of RPC, consideration be given to the needs of geriatric prisoners.

STAFF ENGAGEMENT WITH PRISONERS

Having adequate protection facilities is not the only, or necessarily the most important, instrument for ensuring safety in a prison. Dynamic security is arguably the most important element of an affective, humane and safe custodial environment. It is derived from regular positive interaction between prisoners and professional, well trained staff. Good dynamic security better enables incident prevention through the early detection of possible security or safety threats and by ensuring prisoners are actively engaged in the prison regime.⁹⁹

Male prison yards have historically been renowned for their competitive and predatory character. Such characteristics have been variously accepted as ‘normal’ in many prisons. Many prisoners in the RPC and elsewhere told us that:

“you will never get rid of stand-overs and bullying”¹⁰⁰

A number of others voiced their contempt for prisoners in protection protesting they should not be allowed to mix with mainstream prisoners.

CHAPTER 7 - THE TREATMENT OF PRISONERS

In ‘barrier prison’ systems where prisoners are locked into yards and largely left to their own devices, it is almost impossible to control bullying. However, under interactive or unit management systems, there are opportunities for staff to better observe and react to predatory behaviour as well as (depending on the quality of prisoner/officer relations) for prisoners to tell officers what is going on and for officers to confront prejudice and bullying.

The Inquiry observed, and were told by many prisoners, staff and management alike, that officers had significantly withdrawn from the engagement with prisoners that is necessary for unit or interactive management to be effective. The Inquiry was told that “some custodial officers release prisoners in the morning, give them their milk and retire to their office and wait for a prisoner to come up and ask for something”.¹⁰¹

The management of maximum and medium security prisoner behaviour has reverted to a greater reliance on transfers to maximum security in conjunction with a more punitive reliance on tighter and tighter regime controls.

Finding 42

Custodial staff have in many cases withdrawn from engaging with prisoners and this exacerbates tensions, eroding both unit or interactive management and dynamic security.

WHAT PRISONERS WANT

The Inquiry interviewed and surveyed prisoners across the RPC, the RBMSM and the MHWP. Most prisoners expressed appreciation for the opportunity for their voices to be heard by the Inquiry. Prisoners were largely consistent in their concerns and their wishes, which were not unreasonable and centred on:

- ▶ The need for education, programs and work; and
- ▶ Lack of consistency and transparency in decisions on day to day matters.

RPC prisoners were concerned that with different officers on duty in their unit each day, there was a frustrating lack of consistency when they approached an officer with a legitimate concern.

Prisoners told the Inquiry that they had been moved from medium to maximum security and told that this was due to “intel” which was apparently deemed unquestionably accurate and consequently prisoners were not given any opportunity to defend themselves. Obviously there are times when intelligence may only be based upon the probability of information being true rather than any conclusive evidence and yet proper risk management may require that action be taken, particularly where there is a threat to safety. However, from what they report, it appears to prisoners to be very arbitrary and if used too much leads prisoners in general to believe that they are not being treated fairly. This is not conducive to good prisoner/staff relations and intel practices should be subject to frequent management audit and review to test integrity.

Finding 43

Many prisoners told the Inquiry that there is a lack of fairness in their treatment

The next section, on the Tamar maximum security unit, explores the impact of regime tightening and finds that such practices tend to become inhumane while eliciting the very behaviour they are intended to control.

THE TREATMENT AND CONDITIONS FOR PRISONERS IN THE TAMAR UNIT

Prison is an imperfect and last-resort mechanism for protecting the community from crime. There are doubts about the individual deterrent effects of imprisonment; doubts about its potential for reform of the individual; and a belief in its deleterious effects which lead to a number of humanitarian concerns.¹⁰²

Nonetheless, contemporary prison management that focuses upon preparing prisoners for their release and establishing respectful and decent regimes can do much to mitigate these concerns. It is increasingly being recognised that the first priority for managing prisoners is to embrace and enforce a culture of recognising human rights for both prisoners and staff.

“These rights are derived from a range of human rights treaties, covenants and other instruments that apply to all persons along with a number that are specific to prisoners. The starting point for these rights is the International Covenant for Civil and Political Rights to which Australia is a signatory. The main principle guiding the rights of prisoners is provided under article 10(3), which states: ‘All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person’.

*“Of course the right to liberty is clearly severely limited by imprisonment, other rights such as the right to privacy, freedom of expression, freedom of movement and freedom of assembly are also limited as a consequence of imprisonment. However, these rights are restricted and curtailed rather than completely withdrawn”.*¹⁰³

A further iteration of these rights is made in the Standard Guidelines for Corrections in Australia in which the first principle for managing prisoners states that prisoners must be:

*“...treated with respect as human beings and not to be subject to harsh or degrading treatment, physical or psychological abuse”.*¹⁰⁴

The prisoners most likely to be subjected to harsh or degrading treatment, physical or psychological abuse are to be found in high security or protection units. At RPC the high security prisoners are housed in the eight-cell Tamar maximum security unit.

THE OMBUDSMAN'S REPORT

The Tamar Unit and its behaviour modification processes were the subject of a June 2010 report by the Tasmanian Ombudsman who found that:

"...compared with the high risk management units elsewhere that I have viewed, the physical environment in Tamar is not well suited to the use to which it is now being put. The units that I have seen elsewhere differ, but they all have much better opportunities for prisoners to associate, to have access to sunlight and fresh air, and to recreate. Tamar has only two yards, one considerably larger than the other, to be used by all prisoners, in rotation. The unit also has only a small, single internal common area. Because there are so few prisoners in the unit, because the prisoners are often on different stages in the BMP [Behavioural Management Program] and because there can often be management reasons for avoiding association between particular prisoners, many held in the unit experience virtually constant solitary incarceration while there. In any event, the out-of-cell time for prisoners in the unit at best varies from only three hours a day on the least restrictive stage in the BM to one hour a day on the most restrictive. If their out-of-cell time on a particular day occurs later than the day before, they can be confined to their cell, alone, for in excess of 24 hours.

"My investigation indications that these circumstances have been made worse by deficiencies in the way in which the unit has been managed, and in particular in the way in which the BMP has been administered to date.

As to this I have found -

- *That there is no formal practice for informing prisoners of the reasons for their placement in the unit, and that the management of the unit does not comply with national or international standards in this regard.*
- *That prisoners are not adequately informed about the rules and conditions which apply to them in the unit, and that this is not compliant with national standards, or s 29(p) of the Corrections Act.*
- *That prisoners have been held in the unit for indeterminate periods of time, on the basis of perceived dangerousness, and that this is incompatible with national standards and standards observed in other jurisdictions.*
- *That the BMP has not always been applied consistently and objectively.*
- *That the monthly reviews of a prisoner's performance under the BMP are not carried out with procedural fairness, in that prisoners are not notified in advance of any perceived problem with their behaviour, are not therefore given a fair opportunity to respond, and are not given prior warning of proposed sanction. There have even been cases of reviews without the prisoner being present.*
- *That not only are prisoners in the unit locked down in solitary confinement for most of the time, but they have nothing constructive to do, since no programs or industry activities are available to them. The principle distraction is television. This circumstance is not humane, and does not meet standards adopted in the United Kingdom or standards promulgated by the Inspector of Custodial Services in WA, which in my view are indicative of proper practice.*

"I conclude that as long as Tamar continues to operate as it has been, there is cause to be concerned for the mental and emotional wellbeing of the prisoners accommodated there".¹⁰⁵

It is not intended that the Inquiry Report should duplicate or make in-depth comment on the Ombudsman's Report on the Tamar Unit, which includes comment on a number of relevant historical developments at Risdon. However, the treatment and conditions for prisoners in the Tamar Unit during the period of the Inquiry could also not be ignored.

The Inquiry spoke to the Ombudsman's representative who advised that regular meetings involving the Minister, the Director of Corrective Services, the Director TPS and the Ombudsman were occurring to discuss and monitor the implementation of the recommendations contained in the Ombudsman's report. This is to be applauded. Significantly, however, the Inquiry found a similar state of affairs as the Ombudsman's report described and it appeared that little had changed in the intervening period.

Prisoners in Tamar were being locked in their cells for up to twenty three hours a day with the only respite provided by a small concrete yard with bars that precluded any meaningful exercise. Even the day room adjacent to the cells was being denied because it afforded association with other prisoners. When Inquiry members asked one prisoner in Tamar when was the last time he had felt grass under his feet, he answered "14-15 months ago".¹⁰⁶

The unlock procedures to facilitate one or two prisoners to access the yard were excessive in that they involved up to three custodial officers being present in addition to a member of the TRG while the prisoner was placed in handcuffs for the 10 to 12 metre walk from his cell through the common room to the yard. Such criticism is not intended to condone the seriousness of the assaults on staff or to diminish in any way the ongoing potential for violence posed by some prisoners. However, the Inquiry believes that it is essential that such regimes be as normalised as possible as the very conditions of such oppressive confinement are contributing to creating the antagonistic and violent behaviour the prison seeks to control.

The handcuffing of a prisoner is rarely used routinely in prisons in Australia except where a prisoner is taken outside a prison. However, such routine handcuffing is also the procedure adopted in the Wilfred Lopes mental health facility adjacent to RPC, which from time to time holds RPC prisoners.

In cases where a prisoner is actively violent it may be appropriate to apply restraints until he has calmed down, providing it is done under strict regulatory guidelines. However, the Inquiry was concerned that it was unable to find any DSOs or SOPs relating to the use of handcuffs in Tamar despite asking staff.

It appears that it has become practice that if a staff member is threatened by a prisoner, or believes he is at risk from a prisoner, that he can instigate the use of handcuffs and then later have this approved by an immediate supervisor. However, the next day another staff member may decide not to use handcuffs. Such arbitrary decision-making is highly dangerous and becomes provocative to many prisoners. It is essential that the use of restraints be strictly regulated in the *Corrections Act or Regulations* and not be left to the arbitrary whim of staff.

Finding 44

There is inconsistency in the use of instruments of restraint. In most jurisdictions such use is prescribed in legislation.

Recommendation 20

That immediate steps be taken to enact legislative provisions which clearly prescribe and control the use of instruments of restraint.

CHAPTER 7 - THE TREATMENT OF PRISONERS

There is a need to recognise the specialist nature of working in a high security unit. Tamar needs to be more consistently staffed by carefully selected officers. This is a difficult area to work in and it requires a particular type of officer to make it work.

*“Tamar needs the right type of staff. Good staff, all is calm. Wrong staff and prisoners behave badly”.*¹⁰⁷

Recommendation 21

That the staffing of the Tamar Unit be based on a selection process that ensures a team of consistent, calm and experienced officers. Selection criteria should be developed in conjunction with specialist professionals in behaviour management and staff should receive regular training in such areas as interpersonal skills, negotiation skills, case management and conflict resolution.

The Inquiry was provided with a draft copy of a revised regime for Tamar prisoners titled *Tamar Prisoner Induction Booklet* that presumably takes account of the Ombudsman’s recommendations. The document had yet to be approved but signalled an improved possible six and a half hours out-of-cell time (although 17.5 hours locked in the cell without the opportunity to make a hot drink) and detailed the four ‘contract levels’ or privilege levels for prisoners. The document provides that prisoners enter the unit at ‘Contract Level 1’ and must stay at that level for six weeks. At level 1:

- ▶ Visits are restricted to one x 30 minute non-contact visit a week (more for detainees);
- ▶ Out-of-cell hours in the yard are restricted to three hours a day;
- ▶ No work is allowed (not that there is anything but cleaning and minding the few recreation items such as sandbags for weight lifting);
- ▶ Association is restricted to one other prisoner; and
- ▶ Access is allowed to education items (books etc) but not access to the Risdon Link which is the main access to education.

After six weeks, and subject to good behaviour, progress to ‘Contract Level 2’ affords the same visits, the same out-of-cell hours, the same work (none), and the same associations. After a further six weeks some further small improvements are allowed in the regime.

The point of recounting these somewhat draconian regime restrictions is to point out that they appear aimed at the social isolation of the prisoner and fly in the face of recognised behavioural management principles which are based on reinforcing desired behaviour with immediate and tangible rewards or, alternatively, punishing undesirable behaviour, again as immediately as possible. Positive reinforcement is recognised as generally more effective than punishment.

It is also well understood that punishment can have a number of undesirable side effects, including eliciting aggressive behaviour directed toward people not necessarily involved with inflicting the punishment or anything associated with the punishment. None of this is to imply that punishment, even when delayed, is completely ineffective. Most people are reasonably adept at bridging quite large time gaps between their behaviour and its consequences (although prisoners as a general group are likely to be less adept at such rational processes). It is rather that punishment and rewards are more effective when they are immediate. This is particularly the case where the delay in reward or punishment may in itself seem arbitrary and unfair.

These comments are not intended to suggest that prisoners can operate without sanction for rule infractions. Prisons are rule based institutions and rule infringements, both large and small, must be dealt with promptly and consistently, while assaults and other criminal offenses should be referred to the police and dealt with by due legal process. Most prisoners accept rules providing they are applied fairly, and will normally cooperate with the requirements of the prison regime. However, if prisoners believe they have nothing left to lose or that they have been unfairly or arbitrarily treated, or that any reward is too far away to be credible, they will often become rebellious and unmanageable.

*“Tamar prisoners don’t believe that they will progress through the options so they don’t bother”.*¹⁰⁸

The requirement to wait six weeks for an increase in level (without substantial change in conditions or reward) is likely to elicit frustration and anger and appear to prisoners to be more aligned to punishment than encouraging behaviour change.

MOST PRISONERS ACCEPT RULES PROVIDING THEY ARE APPLIED FAIRLY

Finding 45

The regime in place in the Tamar unit (and to a lesser extent in Huon) has taken nearly all privileges from prisoners and left them feeling they have nothing left to lose. This is both counter-productive to positive behaviour change and dangerous in that it is eliciting the very behaviour it is seeking to control.

*“...there’s just free for all in here, there’s no structure to the system ... anyone can come in and run it however they want ...there’s no accountability, there’s no transparency... it could be a bit more disciplined than it is and a bit more harder in some ways...”*²

Visits are a key mechanism for maintaining the family connections that are so important in rehabilitation. Many modern prison systems apply the principle that restrictions on such things as visits will normally only be applied where a prisoner has seriously misbehaved *on a visit*. It is only when there is a direct and speedy connection between an offence and the consequence that prisoners recognise the fairness of the penalty or restrictions being imposed.

Finding 46

That prolonged prohibition on contact visits is an extreme punishment, removes a core incentive to good behaviour and runs counter to the rehabilitative value of family visits.

Recommendation 22

That the Tamar operational practice regime be changed immediately in line with the Ombudsman’s recommendations and recognised behaviour modification principles.

CHAPTER 7 - THE TREATMENT OF PRISONERS

The Inquiry unequivocally concurs with the Ombudsman's observation "...that this is not humane... not only are prisoners in the unit locked down in solitary confinement for most of the time, but they have nothing constructive to do, since no programs or industry activities are available to them. The principal distraction is television".¹⁰⁹

ABORIGINAL AND TORRES STRAIT ISLANDER PRISONERS

There are around 40 Aboriginal and Torres Strait Islander prisoners in the system at any one time although only 50 per cent may be accepted and known to the Aboriginal community.

Aboriginal and Torres Strait Islander prisoners appear to fare a little better than the general mainstream maximum and medium prison population, with a dedicated Aboriginal Coordinator who is well connected into the Aboriginal community. The current coordinator is able to arrange a number of community excursions to re-introduce Aboriginal prisoners to their culture and community, as well as organising NAIDOC celebrations and funeral attendances. However, few such supports are open to prisoners in medium or maximum security.

RESPECTFUL TREATMENT

HEALTHY PRISON TEST: ALL PRISONERS ARE TREATED WITH RESPECT

Staff should be fair in their dealings with prisoners and model respectful relations at all times.¹¹⁰ However, both staff and prisoners reported that these relationships vary greatly according to the individual temperament of staff and which part of the prison they are in. There is no clearly defined relationship that exists between prisoners and custodial staff that requires staff to model fair and respectful relations.

Despite the lack of such relations, prisoners in the RPC (other than the Tamar unit), the RBMSP and the MHWP reported to the Inquiry that mainly they were treated with respect by staff: "*the majority of custodial officers work with prisoners OK*".¹¹¹

This was most evident in the RBMSP and the MHWP, with a greater level of concern expressed in the Risdon Prison maximum and medium security.

When pressed on this point, a number of prisoners reported that there were a minority of custodial officers who appeared to be intentionally disrespectful or were lazy and not responsive to legitimate prisoner requests.

"We understand that we are in prison, but we just want them to do their job".¹¹²

Finding 47

In the main, prisoners are treated civilly by custodial officers, however a number of custodial officers are disrespectful in their treatment of prisoners.

A number of custodial officers and managers also reported that a small group of custodial staff were lazy and conditioned to poor performance, due to a lack of management action against the poor performers. Indeed, many reported that the morale of good staff was being undermined by the behaviour of the poor performers. Senior management uniformly lamented the inability to discipline poor performing staff under the existing State legislative provisions, and argued the need for stronger legislation in this regard.

Finding 48

There is no effective staff performance management system and this is contributing to the uneven and, at times, disrespectful treatment of prisoners.

Inconsistent management and standards by custodial staff confuse prisoners and lead to strained relationships.

Prisoner perspectives on their treatment by staff are varied.

“the majority of custodial officers work with prisoners ok”²

“...only 20 per cent of staff ...don’t have attitude problems...”³

“...some custodial officers play cards with you one moment, and then when other prisoners are around their mood changes and they get nasty...”⁴

Many custodial officers who spoke to the Inquiry had not grasped the concept of unit or interactive management techniques and how that supports dynamic security. The Inquiry was advised, by a number of prisoners, custodial officers and managers that a small number of custodial officers rostered to work in units would spend much of their day in the unit office avoiding contact with the prisoners as much as possible.

CRITICAL ABSENCE OF SUPERVISORS AND SENIOR MANAGEMENT

The placement of supervisors and managers away from the accommodation units means that they are not often present in the units to model appropriate action and observe the staff and prisoners.

Finding 49

The concept of unit management is not widely understood and poor interactive practices are not being confronted by supervisors and managers.

In addition, the Inquiry was told, by prisoners and staff alike, that senior management was rarely seen in the units. Consequently, prisoners were not able to raise concerns about legitimate needs not being met, unless they opted to contact the Ombudsman. Equally, supervisors and managers are frequently not present and able to confront poor staff performance. Supervisor presence in all units should be structured into the weekly processes.

Recommendation 23

That supervisors conduct a supervisors’ parade in each unit one day a week in order to ensure they are in touch with prisoners’ concerns.

That such parades have the objective of quickly resolving problems and providing an answer to prisoners that same day, where practical. These meetings should be recorded and examined for lessons to learn.

STAFF MORALE

There is a palpable morale problem among custodial staff that must be addressed by fixing problems as they emerge and by establishing a discourse around the moral imperatives of prison work.

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Staff need to be reminded that their role contributes to one of the most difficult but important tasks that society requires. There is some corrosive cynicism, promulgated by an influential few officers, about the role change from being merely a turnkey to that of a case officer. Assisting prisoners to address their offending behaviour and improve their chances for leading a successful law-abiding life is a relatively modern penological concept that is easy to deride for its potential to be naive about the reformative prospects of prisoners. There is after all, plenty of evidence of its failure in the high rate of recidivism among the prison population.

THERE IS A PALPABLE MORALE PROBLEM AMONG CUSTODIAL STAFF

Findings elsewhere in this report suggest much more needs to be done to assist prisoners in prison and outside. This means there is an urgent need for senior management to be routinely present in the units. ‘Management by walking about’ is essential to hearing staff and prisoner concerns, developing a culture of fixing problems, confronting cynicism, and talking up the values and the appropriate higher aims of imprisonment.

A number of officers in the RPC also reported that prisoners are not respectful in their interactions with officers. The Inquiry observed that custodial officers called prisoners by their first name and that prisoners also called officers by their first name, or even by a nickname. While this practice is not necessarily disrespectful and, is practiced, for example in Queensland prisons, within the RPC context it appeared to be symptomatic of a blurring of the professional nature of the relationship that should exist between prisoners and officers.

Recommendation 24

That senior managers regularly walk around the prison and talk to staff and prisoners in all locations in order to re-establish a sense of participative leadership and to develop a moral discourse about values and purposes.

While in the RBMSP, prisoners are, in the main, gainfully occupied. In the RPC, medium and maximum security prisoners are largely unoccupied and bored and are consequently in the face or under the feet of custodial officers for much of the day. For around 190 medium security prisoners there are some 50 jobs. In maximum security there are no jobs apart from unit cleaning and one or two prisoners appointed to look after any recreational equipment or as peer education supports.

Recommendation 25

That consideration be given to how a professional relationship between senior management, supervisory staff and custodial officers can be re-established by a joint staff/management working group.

Finding 50

The lack of employment, programs and education available to prisoners was the number one concern and complaint of nearly all custodial officers, supervisors and managers who spoke to the Inquiry. It was seen to be leaving prisoners bored and undermining the concept of a structured day and Integrated Offender Management (IOM).

INTEGRATED OFFENDER MANAGEMENT

In 2006 the Tasmania Prison Service indicated its intention to pursue best practice in offender management for the then new RPC, announcing the introduction of a new model of IOM.

“IOM is a cooperative and coordinated approach to the management of offenders that supports a goal of reduced re-offending, and also aims to ensure that the safety, security, health and welfare needs of prisoners and detainees are addressed in an effective manner”.

“The concept of integration is critical to the success of IOM and in Tasmania, a ‘through care’ model for reducing re-offending has been introduced, that supports integration both within the TPS, and between the TPS and a range of key external stakeholders. The key components of the model are:

- Reception and induction;
- Assessment;
- Sentence planning;
- Case management; and
- Reintegration”.¹¹³

However, many IOM staff told the Inquiry that the appealing rhetoric of such statements implies far more effective coordination and control than exists in reality. In large part, this is due to a gaping disconnect between custodial staff and IOM staff in the RPC. The lack of a multi-disciplinary teamwork approach to the provision of services in RPC was broadly lamented by custodial staff who reported feeling let down by a lack of programs, education and prisoner work opportunities, and who saw this (quite rightly) as contributing to prisoner boredom and unrest. Equally, IOM staff reported feeling let down by insufficient numbers of IOM staff positions which was contributing to inadequate programs, education and reintegration services. They also, almost universally, reported feeling excluded and subject to numerous prohibitions or interruptions to their work by custodial staff.

In terms of the organisational structure, IOM brings, under one manager, a range of teams that provide for prisoner needs assessment,¹¹⁴ programs, education, case coordination and reintegration services, the coordination of prisoners’ structured day, and the coordination of volunteers. However, this is not currently bridging to the separate rank and management structure which governs the imperatives of custodial management and custodial officers. Significantly however, this does not appear to be such an intractable problem in the MHWP or in the male, RBMSP.

Finding 51

There is a disconnect between custodial and IOM imperatives that is breeding a competitive rather than a collegial relationship. Multi-disciplinary management is conspicuous by its absence.

Currently, IOM services are located outside the RPC and educators and program facilitators are in competition, through the Structured Day Coordinator, for space and time with prisoners in order to deliver services to the RPC prisoners. Without prejudice to the Structured Day Coordinator, many IOM staff complained that the Structured Day for prisoners ultimately gets in the way of them seeing prisoners. The requirement to book facilities as much as 12 months in advance, while logical, is not easy for programs or educators and prevents them taking advantage of unplanned resource availabilities.

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CASE MANAGEMENT

Custodial officers are assigned a case load of a small number of prisoners and take on a role of primary case officer. Because the shift and roster system may mean that a prisoner may not see their case officer for up to four weeks, a secondary case officer is also assigned. Prisoners variously told the Inquiry that they knew or did not know the name of their case officer or that they had or had not met them. Mostly, prisoners felt that the case officer system had little to offer them, particularly if they felt their officer had little interest in them. If they had a pressing issue they would seek assistance from whichever officer was rostered on duty in their unit on that day. However, a few prisoners reported positive and beneficial relations with their case officers.

*“My officer is good and helps me a lot”.*¹¹⁵

The interactive management of prisoners through case management appears bereft of any substance, for many prisoners. Case management has, in the main, been reduced to officers making a few rudimentary case notes of dubious quality – “had a good day” – or, for example, in a case where it had been noted that a prisoner “was hanging in his cell” (understood to be a reference to idly hanging around) but nothing had been followed up with the officer who wrote the comments. Auditing of case notes is concerned with whether the notes are completed, not about the quality of the notes.

*“The best form of security is effective case management”*¹¹⁶

Custodial officers did not appear opposed to case management, but told the Inquiry (almost unanimously) that they were concerned that there were too few jobs, programs or educational opportunities to make case management work. Other potential users of case notes, such as Case Coordinators reported they were of little benefit and that the value of talking to a case officer varied greatly according to the extent to which the officer took the role seriously.

Finding 52

The concept of case management is not widely understood. Case management has become an administrative process which operates without regard to its purpose and with an emphasis on process over outcomes. For example, an audit process on case management notes appears concerned only with the fact that notes were written rather than the quality of the notes themselves.

Recommendation 26

That the case management system be urgently reviewed to ensure case management facilitates an effective pathway for individual prisoners to address their offending behaviour and prepare them for release.

INADEQUATE EDUCATION, PROGRAMS AND WORK

HEALTHY PRISONS TEST: ALL PRISONERS ARE BUSILY OCCUPIED AND ARE EXPECTED TO IMPROVE THEMSELVES

The Inquiry was told that it was originally planned that prisoners would work for only half a day in medium and maximum security and that this would mean that each job could effectively be spread across two prisoners. However, this policy was subsequently changed and now it is common for more than 120 prisoners to be unemployed at any one time.

Prisoners in the RPC were widely concerned at the lack of work, programs and educational opportunities. They complained of boredom and wanted to better use their time in prison to improve their prospects for a better life in the community, as well as the prospects for being granted parole, by addressing those areas that had been assessed and identified as criminogenic factors – drugs and alcohol, violence and anger management, sex-offending, general “thinking straight” type programs.

Finding 53

Most prisoners in maximum and medium security units are bored by inactivity and are simply being warehoused, rather than being purposefully case managed through re-offending programs and other constructive activities.

“...we’re in limbo in here...”³

Services to prisoners in the RBMSP are much more effectively delivered and coordinated as IOM staff are located there. Indeed, prisoners in the RBMSP reported little difficulty in accessing education, employment or programs. Meanwhile, the Education and Programs centre in RPC (which was trashed during the riot and has subsequently been hardened) is now occupied by custodial staff to the exclusion of education and programs staff who are granted visiting status only, and who complain of delays and lack of access to prisoners as well as inability to reserve rooms in the centre. This, of itself, could serve to suggest to prisoners that their education and rehabilitation is not valued.

In order to maximise the provision of education and programs, this centre should be re-occupied by staff who deliver such services and a cooperative custodial staff presence needs to be negotiated with the intention of running programs during all unlock periods.

Recommendation 27

In order to expedite and maximise the reintroduction of programs and education into the RPC, education and programs staff be permanently housed in the Education Building and that the delivery of these services be scheduled, in conjunction with custodial imperatives, during the entire unlock period.

PROGRAMS

No programs are available to be provided for remand prisoners and programs for sentenced prisoners are constrained by a lack of funding and staff to deliver them. Five programs staff assess prisoners for program needs using Level of Service Case Management Inventory (LSCMI), which has been replaced in a number of jurisdictions. The team also delivers a reasonably comprehensive range of evidence based programs, including short and long-term programs that address offending behaviour. The programs include:

- New Directions, an open ended program that can be entered at any time;
- Making Choices, a long-term general program for all prisoners;
- Pathways, a long-term drug and alcohol program;
- Getting Smart, a short-term drug and alcohol program; and
- Turning Point, a motivational program.

The Inquiry was told that clinical governance for these programs is periodically undertaken from the mainland, which appears to be a sensible approach to stopping program drift without incurring large costs.

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The Inquiry was told that staffing and finance were insufficient to deliver an adequate number of programs:

*“You tell prisoners what is wrong, raise expectations but then cannot offer any referrals or help”.*¹¹⁷

While data was provided on the number of prisoners in programs, unfortunately, no data is kept on the number of prisoners assessed as needing programs and who, for one reason or another, do not get their program. This is key information necessary to confirming the inadequacy of program provision.

Finding 54

There is inadequate data collection on program needs and the extent to which they are being met.

Currently, it takes two program facilitators to run a program but if this could be reduced by using custodial officers as co-facilitators (as is the case in other jurisdictions) then theoretically the number of programs could be doubled. Custodial officers may incur a loss of certain benefits and conditions but alternative compensations should be investigated as this proposal has a number of benefits, including to officer development and understanding of prisoner issues. It may also serve to counteract some poor relations between custodial staff and programs staff.

Recommendation 28

That program and education capacity be increased to enable the delivery of short-term programs to remand prisoners.

EDUCATION

The Inquiry was informed that around 95 per cent of prisoners have their education needs assessed on entry to prison but that a significantly lower proportion go on to access education.

There are just three full time educational ‘facilitators’ and one educational manager to undertake assessments and meet the characteristically high educational needs of around 450 to 500 prisoners. Consequently, there is not much face to face teaching or even contact between educators and prisoners. Most of the educators’ time is spent facilitating prisoners into courses and then servicing their continuing needs to support their engagement with education. The educators are complemented by a number of peer (prisoner) tutors.

In 2010, seven prisoners qualified to be a peer tutor. The peer tutor positions are paid and considered a privileged position, particularly in medium and maximum security where there are so few jobs available. An innovative intranet system boosts the educational reach to prisoners, giving prisoners controlled use of computers for educational purposes. The peer tutor program is a positive initiative which should be encouraged and expanded.

Finding 55

There are insufficient staff resources for prisoner education.

Previously, the prison was a registered training provider. However, the Inquiry was informed that it was too difficult to maintain accreditation and that the Polytechnic (TAFE) now provides that function on behalf of the prison. While this has financial advantages for TPS in that it potentially unlocks a lot of teaching hours from Polytechnic, it has the disadvantage of relying on teachers who have little familiarity with prisons, or in some cases have a fear of working in prisons. In addition, Polytechnic staff enjoy generous holiday and working times that do not easily fit with the times when prisoners are available (for example, the lunch time lockdown). The Inquiry was told that a number of Polytechnic teachers had refused to work in the prison because of disrespectful treatment by custodial officers.

The question of whether educational provision should be under the umbrella of the Education Department (whose resource commitment to a similar sized community demand for education is generally far in excess of its current provision to prisoners) or remain under the TPS is difficult to assess in the short time available to the Inquiry, consequently no finding is made on this matter.

The Education Centre, prisoner library, computer room and offices for educators are located in the RBMSP and prisoners in this centre enjoy good access to the Centre. However, the location of these services works to the detriment of prisoners in medium and maximum security parts of RPC and these prisoners, consequently, do not get the access to facilities and training that can address their educational needs.

The Education building was trashed by prisoners during a previous disturbance and has as a consequence now been hardened and refurbished. However, it has been occupied by custodial staff to the exclusion of educators and program deliverers. To secure the use of one of the classrooms, educators must book its use in advance through the Structured Day Coordinator, a process which both educators and programs staff complain limits their access to prisoners and their ability to deliver more services.

Finding 56

There is a re-furbished education and programs centre in medium security but the administrative office space has been occupied by custodial staff to the exclusion of educators and programs staff. This operates to limit access and the ability of educators and programs staff to deliver services to prisoners.

Educators must consequently carry educational materials through the front gate twice a day and are often delayed, either by the gate procedures or by their own devices. The result is a less than optimal use of a valuable education and programs centre. The building is only half completed and urgently needs to be fully built so that maximum security prisoners can access the centre as was originally intended.

Well run education centres in prisons become places where prisoners like to go because they get lots of positive rewards for their achievements. They have the potential to create a positive attitude to education, progress and rehabilitation. However, security must be ensured, particularly if maximum security prisoners are able to access the centre. Dangerous prisoners are able to groom any staff but visiting teachers are particularly at risk. Consequently, security should be provided by experienced officers who are rostered to the centre for lengthy periods in which they can develop insight into prisoners' behaviours and become familiar with routines. Consideration should be given to having an eight hour shift position filled by the same officers, rather than rotating officers on a daily basis.

Recommendation 29

That custodial positions in the programs and education centre be structured to maximise consistency and preferably be on a permanent eight hour duty basis.

The paucity of educators will mean that to staff the centre, either the RBMSP educational centre will need to be depleted or additional educator positions approved.

Recommendation 30

That a review of staffing be made with a view to determining the number of additional educators to be recruited.

CONSTRAINTS ON PRISONER EMPLOYMENT

*“For most prisoners, work provides a way out of the mindless tedium of idleness, a constructive use of their time, an opportunity to learn new skills, and a way of earning a small gratuity. For the prison system, such work enables prisoners to offset the cost of keeping them in prison by undertaking work that otherwise would need to be undertaken through contract or paid employment. For the community, it provides a mechanism through which prisoners may make some reparation for the harm they have done”.*¹¹⁸

However, the challenges posed in meeting such objectives are significant. Prison Industries around Australia have developed different models of operation to address a range of similar problems faced in most jurisdictions. These problems include government policies that preclude competition with private or not for profit organisations; finding suitable staff with industrial experience and preferably trade qualifications; ensuring that prisoners develop good work habits in the face of a foreshortened working day; multiple demands on each prisoner’s time during that day; finding enough suitable work; providing training in work skills that are currently in demand; meeting system demands for prison clothing, shoes, furniture, and so forth.

In Tasmania, there are two significant additional constraints that have been imposed by Government: there is no funding for prison industries – that means all prison industries must be self-sustaining and not make a loss (a restriction almost unheard of in most other prison industries), and no training or apprenticeships for prisoners occur (a key goal for most prison systems). Employment in prison should provide opportunities to increase a prisoner’s employability on release.¹¹⁹

Finding 57

An absence of traineeships and apprenticeships integrated into in-prison industries and linked to external industries is reducing the capacity of the prison system to provide prisoners with job-ready skills after release.

Recommendation 31

That Government review its prohibition on apprenticeships and traineeships for prisoners as a matter of urgency.

The lack of any funding for prison industries is also seriously affecting the ability of the prison system to provide employment for prisoners and is in turn, contributing to the idleness and boredom of prisoners and thereby significantly contributing to levels of unrest and disorder, notably in the RPC.

Finding 58

The lack of prisoner work is directly contributing to the idleness and boredom of prisoners and to ongoing problems of disorder.

A number of industrial staff were concerned that little priority was afforded to WH&S matters, and what seemed a lack of respect for industries officers on the part of TPS management and custodial officers.

The Inquiry visited the various industries workshops in the RBMSP as well as the garden sheds, kitchen and laundry. While production was evident in the kitchen and laundry, other large workshops appeared to employ only a few prisoners. These prisoners were often only involved in small scale activities. The Inquiry was concerned at a number of WH&S issues which were quite apparent. For example, the Inquiry observed prisoners in the gardens party using edge trimmers while not themselves wearing suitable protective boots or ear muffs or safety goggles. All prisoners and relevant supervising staff should undergo WH&S training prior to, or early on, in their employment.

Finding 59

A number of Workplace Health and Safety issues that affect prisoners and staff require urgent attention.

Recommendation 32

That the TPS undertake a full WH&S review of all prisoner workplaces at RPC and that WHS standards be enforced in all prisoner employment

The Inquiry was also advised that the Hayes Prison farm, which operates a vegetable preparation operation, is under threat of closure, as it is considered uneconomic. The Inquiry did not visit the Prison Farm, although a number of Farm staff were interviewed.

The Inquiry can make little comment on the closure or continued operation of the farm as it is outside the Terms of Reference for the Inquiry. However, it is noted that its closure or diminution will reduce the placement options for prisoners that need to be separated and that this is a matter of continuing difficulty for the TPS. The Inquiry also notes that the closure of the farm would presumably result in those farm prisoners being relocated to the RBMSP. The Inquiry believes that the vegetable preparation industry should be considered as a possible industry for RPC and the relocated minimum security prisoners from the farm could be re-assigned to external work parties in the community on such projects as tidying cemeteries, and so forth.

Finding 60

Any closure of the Hayes Prison Farm will reduce the placement options for prisoners and this is a continuing difficulty for the TPS.

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The Inquiry has viewed the Prison Industries Business Plan for 2009-2010 and 2010-2011. The main focus of prison industries during 2010-2011 will apparently be to increase revenue levels and to minimise costs.¹²⁰ This is understandable given there is no line of funding for prison industries. However, few prison industries are able to make enough money to be self-sustaining. While prison industries have a number of objectives, the primary role should always be to provide constructive activity for prisoners in a way that develops good work habits and to develop and train prisoners so that they may be better able to get work after prison.

Prisons are huge consumers of resources and should actively seek to minimise waste as well as to reduce energy and water consumption through innovative recycling and conservation programs. Prisoners are prone to be wasteful of prison resources, often as a mark of rebellion against their imprisonment. Ultimately, their wastefulness is, however, a cost to the planet as well as the community.

Some prison jurisdictions have successfully introduced conservation programs that provide small tangible rewards for prisoners by way of a share of savings being directed to better facilities or equipment of their choice. Others have introduced new projects such as worm farms based on recycling food waste. A few of these projects offer long-term savings or even revenue generation but need establishment financing.

Finding 61

Apart from a proposal to expand the Laundry, the prison industries business plan does not appear to include any new employment opportunities in the RPC where considerable unemployment and under-employment of prisoners are creating significant difficulties.

Prison industry is driven solely on returning a profit not on prisoner work opportunities or on prisoner rehabilitation and training as part of a structured integrated rehabilitation program, which one would expect to see in place in contemporary prison practice.

Recommendation 33

That Government approve a budget for prison industries that ensures all prisoners have meaningful work and develop vocational training programs to better prepare prisoners for a working life beyond prison.

Recommendation 34

That the construction plans for Stage D of development for the RPC include a new multipurpose workshop and kitchen along with the investigation of new industries.

WORK LINKED TRAINING

There have been a number of difficulties which have hampered the Polytechnic from providing vocational training in the past. The Inquiry was assured that many of these had now been resolved and shown a draft schedule for the 2011 vocational training program in conjunction with the Polytechnic. A number of relevant short training sessions are planned which is very encouraging. However, only prisoners in the RBMSP will be able to attend even these short courses, as no facilities are available in the Risdon maximum and medium security units.

PRISONER HEALTH AND WELL-BEING

There are four psychologists, and two counsellors, who meet the demands of providing assistance to prisoners in relation to day-to-day coping, suicide and self-harm, risk management, and assessments. In addition, the Prison Chaplain provides spiritual guidance and religious observance as well as sharing in most of the counsellor roles noted above, and is considered an integral team member.

No evidence was presented to the Inquiry to suggest that the resourcing level for this service was either too low or high. In any prison population there are people experiencing crises from time to time. In well run prisons, in which prisoners' legitimate needs are addressed and bullying minimised, the level of such individual crises reduces. The experiences of crisis support staff, including the Chaplain, should be integrated into a multi-disciplinary approach to the general management of prisoners as well as tapping this reserve of expertise for designing the management regimes of all prisoners.

MEDICAL, DENTAL AND MENTAL HEALTH CARE

Medical Health Services are delivered in a clinic in RPC. Prisoners that require specialist procedures are sent to external hospitals for treatment. Health services are provided by, or under the supervision of, a qualified medical practitioner. The Inquiry directly asked prisoners about their access to health services and almost all prisoners felt that they had adequate access to medical services. A number of prisoners believed that the nurse driven triage system delayed their access to a doctor, but otherwise were content with the medical services provided.

Prisoners are an atypical cohort compared to the general community, generally having a higher level of health needs. However, imprisonment presents a unique opportunity to address these needs.

In New South Wales, the data from the 2001 Prisoner Health Survey²¹ – a follow-up to the 1996 Survey – has enabled the health service needs to be identified and quantified.

It was, for example, ascertained that:

- 31 per cent of women and 28 per cent of men tested positive for hepatitis B (lower than in 1996);
- 64 per cent of women and 40 per cent of men were hepatitis C positive;
- 95 per cent of women and 78 per cent of men had at least one chronic medical condition;
- 33 per cent of women and 50 per cent of men drank alcohol in hazardous quantities; and
- 83 per cent of women and 78 per cent of men were current smokers.¹²¹

Prisoner perceived dental health care differently, with many concerned that it took months to see a dentist. The Inquiry raised this issue with the Manager of Health Services who advised that dental services were indeed difficult to secure, but that a visiting service from the mainland had provided services up and until a few months ago when an accident prevented the dentist from providing further services. However, the Inquiry was advised in late February that a new contract for dental services had been approved and would soon start.

Mental health services were not generally commented on by prisoners. The Inquiry was invited to inspect the Wilfred Lopes Centre which is a Health Department 35 bed maximum security mental health facility that provides mental health services to patients under section 36a of the *Corrections Act* as well as patients under section 72b of the *Involuntary Patient Act*, under section 72a(1)a *Restricted Orders*, and under section 72a(1)b under *Apprehended Supervision Orders*.

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The Centre is a state-of-the-art facility and an asset to TPS, providing some of the best closed ward facilities in Australia. The Centre is separately managed from the TPS and has an average of 17 to 18 patients. The Inquiry spoke to the Chief Executive Officer Statewide Mental Health, who indicated that he and the Chief Clinical Psychiatrist at the Wilfred Lopes Centre had indicated their willingness to develop regimes suitable for managing challenging behaviours, but this had not yet happened on the ground.

Finding 62

The Wilfred Lopes Centre and its staff provide an excellent service to prisoners with mental health needs. The Chief Clinical Psychiatrist has indicated his willingness to get involved as part of a multi-disciplinary team to develop appropriate regimes for better managing challenging behaviours such as in the Tamar unit.

Recommendation 35

That TPS invite the Wilfred Lopes Centre to help develop a regime for managing challenging behaviours.

FOOD AND NUTRITION

It is a prison staff room cliché that ‘being treated fairly, family visits and food are the most important things to prisoners’, and that almost anything else will be tolerated providing these things are acceptable. But getting just one of these wrong risks prisoner unrest or a riot.

It is a fundamental right of prisoners to be provided with sufficient, nutritious and varied food, along with the availability of clean drinking water. A man requires around 2,500 calories each day to maintain body weight, women require slightly less. The food provided to prisoners easily meets this calorific intake.

Where necessary and where indicated by a doctor, special dietary food is to be provided. Where special foods are a requirement of a prisoner’s religious belief or where a prisoner is a vegetarian, these are also made available.

Finding 63

Prisoners were being provided with fresh sandwiches and salads for lunch and a hot meal in the evening and special dietary meals were available if approved by a doctor. However, most prisoners are unhappy with the meals that are provided. The evening cook/chill meals in particular were criticised as watery, tasteless and served up on occasion well passed the used-by date and are simply thrown away.

While acknowledging that lunches are generally healthy, some prisoners were unhappy with the provision of sandwiches and salads. However, an overwhelming number of prisoners felt that the cook/chill method of preparation for hot meals left many meals watery on reheating and sapped of nutrition.

Cook/chill methods are used in many Australian prison systems and the nutritional value of these meals, while not as good as fresh food, is generally accepted as adequate. In terms of taste, they are often compared to eating airline economy food every day. Many prisoners told the Inquiry that they see such meals binned on many nights, preferring to supplement their intake with noodles or other such items purchased through the canteen.

More positively, some longer-term prisoners told us that despite not being happy with the food that it had “improved out of sight over the past six years”. The fact that cook/chill meals come in individual serves also removes many of the concerns about unequal portion sizes.

Because food is such an important issue to prisoners, great care needs to be taken to ensure that once reheated, meals do not contain excess water, are properly reheated, and tasty.

Finding 64

Prisoners who are concerned about their food have no way of making a complaint short of throwing the food away.

Recommendation 36

That senior management eat a prisoner meal in each unit at least once a week, preferably in the presence of prisoners. In that way, prisoner comments and concerns about food can be seen to be being heard and properly relayed to the kitchen.

Food is prepared and packaged in the kitchen in the RBMSP and sent out to prisoners across all prisons. Hot meals are cooked and reheated in warming ovens at each prison. The women’s prison has self-catering facilities, but these have essentially ceased in favour of the centrally prepared food system. While the central production of food is cheaper, a key advantage of prisoners cooking their own food is the skills they acquire as well as in better understanding the nutritional value of fresh food as against take away food with its generally high sugar and fat contents. Some might even learn that certain foods and food additives can affect their health and behaviour.

“The food cooked fresh here by the prisoners is fantastic, but the chill meals are disgusting and a waste as most get thrown away”. ¹²²

Finding 65

Although women prisoners have a self-catering kitchen available to them, their access to it is minimal and this limited use denies them an important life skills experience.

REINTEGRATION SERVICES

Prisoners serving less than six months cannot access reintegration assistance. The reality for most of these prisoners is that while the brevity of their sentence suggests they are little danger to the community, the impact of a short sentence on their life can be devastating. Going into prison means they lose their accommodation and whatever job they had, only to be released a short time later to have to re-establish themselves again. The impact can be such that they quickly re-offend and in effect are ‘churned’ in and out of prison.

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Prisoners serving six months or more can access the reintegration service through the services of Case Coordinators but there is little that can be offered. The Inquiry was told that around 10 prisoners are released each week having served a sentence of six months or more. The most pressing need is for post-release accommodation and there is simply not nearly enough available in Tasmania to meet this demand from ex-prisoners. Options include PROP which runs through Bethlehem House and offers 24 people accommodation for between one and three months. PTAP which provides four units and STAY which is a transitional housing program in which ex-prisoners can apply for one of ten houses around the State for a period of two years.

The Inquiry was told that an estimated 90 per cent of prisoners are released without access to accommodation or jobs and the number of ex-prisoners in work can be counted on one hand.

Coordinators find accessing prisoners difficult as prison-based procedures appear to change without any consultation or advice to them.

There are no information sessions or brochures about pre or post-release services to assist prisoners. However, eligible prisoners can apply for work release or re-socialisation leave from prison under section 42 of the *Corrections Act*. In reality, only relatively few prisoners are on the program at any one time.

Finding 66

There is an acute lack of both accommodation and work options for released prisoners including those on parole and this is not conducive to reducing re-offending.

The Inquiry notes that the cottages at Risdon which accommodated the Inquiry Team for its on-site work could provide ready-made accommodation for use as part of a staged release program.

Recommendation 37

That the government give urgent consideration to funding more community accommodation and generating more work opportunities for ex-prisoners in order to reduce the churn effect on re-offending related to the current deficits in this area.

PRISON PHYSICAL INFRASTRUCTURE

The Terms of Reference issued by the Minister in October 2010 expressly required the Inquiry to ‘examine and make findings on the physical infrastructure of the prison, its design and construction, associated legal and/or contractual matters, and any remedial works required.’¹²³

However, in discussions with the Minister and the Department it was mutually agreed that the issue of any potential legal liability or contractual breach was a separate issue for determination between the Department and the contractual parties and which required dedicated attention.

Accordingly, in the examination of the physical infrastructure of the RPC, this Inquiry does not attempt to analyse or make judgement on any potential issue of liability or contractual breach related to the damage occasioned to individual prisoner cells during the incidents which occurred in late September – early October 2010.

Rather, the Inquiry focused on:

- The adequacy of the prison design and construction;
- Any perceived deficiencies in the current infrastructure; and
- The improvements or additions considered important for the overall efficient and effective operations of the RPC.

Planning for the new RPC had been in gestation for many years and was precipitated by a major coronial inquiry and subsequent investigation by the Ombudsman into a series of deaths in custody which occurred in 1999 and 2000.

In a report tabled in March 2001, the then Coroner Shan Tennent recommended, inter alia, that ‘the ideal may be the construction of an entirely new prison’.¹²⁴ This recommendation coincided with media commentary calling for urgent prison reform and an editorial in *The Mercury* newspaper on 28 March 2001 which described the then prevailing prison culture as one of poor training, neglect, violence and ignorance that needed to be removed before enlightened prison reform could be introduced. Shortly after this public criticism an announcement was made by the then Attorney-General Peter Patmore that a new prison would be constructed.

As a consequence of this decision a Department of Justice Prison Infrastructure Redevelopment Program (PIRP) was developed.

Under this program there were four stages. Stages A and B dealt with initial submissions for funding of the redevelopment in Tasmania’s prison’s and developing a business case regarding redevelopment options. Stage C included the construction of the new RPC, the refurbishment of the Mary Hutchinson Women’s Prison (MHWP) and extended costs to the Wilfred Lopes Centre.

CHAPTER 8 - PRISON PHYSICAL INFRASTRUCTURE

The Government approved the business case recommendations on 19 March 2001 with funding of \$53.344 million dollars being allocated for Stage C development. This funding was spread over the financial years 2001-2002 to 2006-2007. However, increased tender costs, additional medium security beds and extended Wilfred Lopes Centre construction costs, caused the Stage C project to be re-evaluated at \$90 million. Although this increased amount was appropriated, further increases in tender prices and building costs combined to prevent the construction within the Risdon Prison of the gymnasium, some 50 per cent of the educational facility, part of the industry workshop facility and a kitchen, all of which had been originally approved.

The following two diagrams depict (Diagram A) the original Stage C development plan and (Diagram B) the facilities actually constructed as a consequence of the increased Stage C building costs. These infrastructure reductions increased the difficulty of staff being able to deliver the full range of work and activity programs that had been both originally envisaged and widely discussed in the pre-construction consultation process.



DIAGRAM A – Original Stage C Development Plan



DIAGRAM B – Actual Stage C facilities constructed

It is also clear from Inquiry interviews, that both staff and longer serving prisoners believe that in constructing a reduced prison complex the government and department reneged on a core promise which had been seen as crucial to the creation of a new and reinvigorated prison environment.

This perception of a broken promise and the consequent inability to deliver on the full range of work and activity programs became a catalyst for increased tension between staff and senior management and between prisoners and staff.

A three part PIRP Stage D was proposed with Part 1 seen as the most urgent. Part 1 essentially provides for the construction within RPC men’s maximum and medium security complex, of additional maximum security accommodation, and identified prisoner program and support facilities. As identified above, some of these works had been planned for construction during Stage C but were delayed due to final cost over runs.

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This Stage D redevelopment was divided into two phases with a total estimated capital cost of \$48.375million. Part 1 Phase A, costed at \$30.3 million, is to build an additional 62 bed maximum security accommodation unit, additional educational and recreational program facilities and a spiritual centre.

Phase B, costed at \$18.075million, provided for a third workshop building which would allow for flexible industry and activity use, and a new kitchen inside the secure perimeter for the new maximum and medium RPC, to contain a functional kitchen, offices, staff dining and lunch room areas, and a variety of storage and wash down areas. Part 1 Phase B also provided for the construction of a geriatric unit to provide for the increasingly higher proportion of ageing and infirm prisoners requiring higher levels of care.

When however, the Stage D project costs were further considered in 2008, an amount of only \$20.7million was approved for the Part 1 redevelopment. This funding was to be appropriated over a five year timeframe in accordance with the following schedule:

Financial Years (2010- 2015)

- 2010-2011 – \$100,000
- 2011-2012 – \$500,000
- 2012-2013 – \$3million
- 2013-2014 – \$13.4million
- 2014-2015 – \$3.7million

As a consequence of the above schedule, no meaningful work has yet begun and, according to recent advice from a quantity surveyor, inflation costs since the initial \$20.7million approval was given in 2008, mean that it will cost some \$23million to undertake the same amount of work at today's value.

While it is understood the precise work schedule has not yet been agreed, essentially, under the current timeframe, full design work and early earth works will not commence until 2012-2013 with major construction unlikely to commence until 2013-2014.

In considering the proposed construction timeframe it is important to recognise that construction will occur inside a highly secure environment with potentially three separate construction sites contained within a maximum security prison complex. If these three construction projects are not carried out simultaneously, the cost increases are likely to be quite substantial.

The Inquiry believes that the facilities identified for construction under Stage D Part 1 are important if not vital to creating and maintaining a dynamic, healthy prison environment.

The funding environment within which any further Stage D redevelopment decisions are likely to be made is understood, but it is necessary for the Inquiry to emphasise that unless early additions are made to the current building infrastructure, the current situation will only deteriorate further, with the possibility of a complete prison breakdown.

By way of balance however, it is important to recognise that while there are deficiencies in the current infrastructure of the new RPC, any design and construction improvements will need to be both preceded and accompanied by fundamental cultural and operational practice change if the desired prison practice improvements are to be achieved.

A short review of the circumstances surrounding the breach of his cell by a prisoner (Prisoner A) on 27 September 2010 serves to illustrate this point. On the evidence available to the Inquiry it is clear the cell breach was a direct response to the fact that the prisoner had been locked down in his cell for a period of five days. This had occurred as a consequence of a group lockdown, which directly resulted from the assaults on prison staff on 22 September, and which had continued despite the fact that the prisoner concerned had not been involved in the assaults.

After escaping from his cell, Prisoner A was still contained within the maximum security open area by two perimeter fences, one of which is electrified. He did not attempt to breach either of these fences and there is no evidence that he either intended or attempted to escape from the complex itself.

He was discovered on the roof of the Derwent B unit from where he demanded an independent psychological assessment, water and tobacco.

The cell breach was essentially a personal protest by the prisoner to the prevailing situation and was replicated by another prisoner (Prisoner B) on or about 1 October 2010. Three other similar attempted cell breaches were then discovered during a subsequent maximum security area inspection.

As emphasised in the Woolf Report¹²⁵, the maintenance of a correct balance between security, control and justice is fundamental to an effectively managed prison. The importance of achieving and maintaining this balance is recognised broadly by prison managers as being the key to a stable and constructive prison environment. This balance needs to be understood and reflected in the design and physical infrastructure of any prison complex.

As indicated in other areas of this report, within the TPS Risdon Prison environment there is evidence of ineffective leadership and management, poor planning, inconsistent operational practices, inadequate workplace health and safety, risk assessment and mitigation processes, and inconsistent and often inappropriate prisoner management and treatment.

In the opinion of the Inquiry, the combination of these deficiencies currently renders the new RPC largely dysfunctional. Unless there is a genuine commitment to remedying these deficiencies and creating a genuinely healthy prison environment, additions to the physical infrastructure of RPC will be of little value and prisoner unrest and disorder will continue to occur.

Indeed it is understood that an increased number of prisoner on prisoner assaults have occurred and that the overall prison situation has further and significantly deteriorated since the stand down incident of 21 February 2011 (a period during which this report was being written).

Finding 67

While some of the identified operational deficiencies have been aggravated by limitations in the physical structure of the new RPC many of them can and must be improved regardless of the decisions made in regard to the Prison Infrastructure Redevelopment Plan (PIRP).

The above statement and Finding should not, however, be interpreted as suggesting that the current Stage D – PIRP should not proceed and is not an urgent requirement – it is. Rather, it is to emphasise that cultural and operational practice reform is also urgent and will be fundamental to the improvements expected to be achieved through the Stage D Part 1 redevelopment project.

Finding 68

The infrastructure identified for construction under Stage D Part 1 is important if not vital to creating and maintaining a dynamic, healthy prison environment which reflects contemporary prison practice.

Finding 69

Unless meaningful improvements are concurrently made to both the RPC infrastructure and to existing management and operational practices, the current situation of industrial disputation and prisoner unrest will continue to deteriorate.

The Inquiry would urge the Government to increase funding towards the \$48.375million initially costed for the completion of Stage D Part 1 of the PIRP although it is recognised that it may be necessary to phase in the additional infrastructure development over a period of years.

This process may be assisted by an indication of a stabilisation, even a slight reduction, in prisoner numbers. Whereas prisoner numbers for 2011-2012 were projected to be in the order of 550-580 when the PIRP process commenced, actual numbers appear to have stabilised at about 450-460.

Clearly the Drug Diversion Program, which is likely to have between 80-100 people within the program at any one time, has contributed to the reduced prison population numbers, but the benefits to RPC are nevertheless real.

While the future effectiveness of such programs cannot be guaranteed, current performance would provide confidence for the view that the initial estimate of 62 additional beds required within the maximum security unit may exceed what will now be necessary. As a consequence, it is suggested that in the Stage D Part 1 redevelopment process approval only be considered for the construction of a 25-30 bed maximum security unit.

Recommendation 38

That the Government reconsider its current 2008 approval of \$20.7million for the Stage D Part 1 development of the Risdon Prison Complex and approve the expenditure of the original estimated capital cost of the total Stage D Part 1 development of \$48.375million.

If it is necessary to stage future funding approvals for PIRP development it is proposed that the development be staged in the following order:

- construction of the additional educational and multipurpose workshop facilities and an adequate prisoner gymnasium and additional exercise yards for maximum security prisoners, be given first priority;
- construction of a new (25-30 bed) high risk and behavioural management security unit consistent with that recommended in the Ombudsman Report of June 2010 be given second priority; and
- construction of a kitchen, spiritual centre and a geriatric unit be considered as a third priority.

In providing this phased approach as an option, the Inquiry notes that the original program for building Stage D Part 1 Phase A was due for completion by September 2010.

Recommendation 39

Should the government find it necessary to stage the additional RPC infrastructure development that, as a minimum allocation, the \$20.7million approved in 2008, be appropriated immediately, with construction occurring in accordance with the following priorities in order to maximise the effectiveness of necessary cultural and operational practice reform:

- ▶ **Priority 1: additional educational and multipurpose workshop facilities and an adequate prisoner gymnasium (including extended maximum security exercise yards);**
- ▶ **Priority 2: new high risk and behavioural management security unit consistent with Recommendation 1 of the Ombudsman’s Investigation Report of June 2010; and**
- ▶ **Priority 3: construction of a kitchen, spiritual centre and a geriatric unit.**

Finding 70

If genuine and meaningful achievements are to be made within RPC it will be important to minimise any delay in building all of the above Stage D Part 1 facilities.

Having regard to the particular issues confronting the Tasmania Prison Service at RPC it may be prudent to consider a more humanising approach to any further development of RPC.

The overall appearance of the prison is dominated by security fences, caged walkways and hard concrete buildings. While this is historically not unusual for high-security prisons, the trend in Scandinavian countries and elsewhere, is toward a more human scale and domestic style accommodation within a secure perimeter, rather than large, impersonal cell blocks. This is in line with research which suggests that the environment is an important contributor to determining behaviour – that a social environment tends to generate feelings of inclusion and results in more socially acceptable behaviour than an institutional environment which tends to elicit more anti-social behaviour. Having said that, it is quite possible to develop good relations even in harsh and uncompromising environments. The regime in the RBMSP being a case point. However, there is likely to be some benefits to be had from examining ways to lessen the hard institutional facade of the prison with some humanising elements. Consistent with this approach, it may also be valuable to consider renaming the maximum and medium security units ‘secure’ and ‘residential’. The name changes would serve to reinforce the desired emphasis on developing and maintaining a dynamic and interactive staff-prisoner environment and the appropriate interventions, prisoner pathways and management strategies.

As part of the consideration and assessment of the RPC infrastructure, visits were made to the Maryborough Correctional Centre and Woodford Correctional Centre in Queensland, the HM Barwon Prison and Metropolitan Remand Centre in Victoria, and the Goulburn Correctional Centre, including the high risk unit, in New South Wales.

The Maryborough Correction Centre design was the basis for the new Risdon medium and maximum security prison. Within Queensland however there are 13 Corrections Centres in different geographic locations across the State. This affords the Queensland correction authorities with a significant range of options and operational flexibility in the managing of prisons.

Tasmania does not enjoy the same operational flexibility, with the RPC providing essentially the only major maximum and medium security facility in the State. This inflexibility, coupled with the reduced current RPC infrastructure, has clearly contributed to the issues that gave rise to this Inquiry.

CHAPTER 8 - PRISON PHYSICAL INFRASTRUCTURE

It is, however, clear from the visits and observations made at each of the interstate facilities that the operating ethos in the interstate facilities visited, is fundamentally different to that which currently exists at RPC.

Without question, the limited work activity, education and recreational facilities available within the new Risdon Prison significantly restrict staff (particularly considering issues of prisoner segregation and classification) in providing appropriate out-of-cell time and structured day activities. The comparative assessment of interstate corrections centres, however, demonstrates that there is potential for significantly improved staff/prisoner interaction and prisoner activity within the existing Risdon Prison infrastructure.

This potential may perhaps best be illustrated by a short examination of the environment observed within correction centres in each of the three jurisdictions visited, the Maryborough Correctional Centre in Queensland, the HM Barwon Prison in Victoria, and the Goulburn Correctional Complex in New South Wales.

Within the Queensland prison environment the strong overarching statement made by prison executives was that ‘in a good gaol the last things to be considered are the physical buildings’ and that ‘gaols are about relationships’.¹²⁶ The perimeter fences of the facilities were simply seen as the boundaries of the village within which these relationships were developed and the prison infrastructure as the buildings within which business was done.

During both executive briefings and site inspections, all of the advice and communication emphasised that developing and maintaining a dynamic and interactive staff-prisoner environment was the priority challenge and that while the prison infrastructure needed to provide capacity and security it was essentially secondary. The dynamic and interactive staff/prisoner environment was seen as allowing maximum value and use to be gained from the prison infrastructure. At the Maryborough Correctional Centre, while the physical design largely reflected the new Risdon Prison, the operational environment was significantly different.

Queensland operates under a two-tiered classification system, comprising maximum and minimum prisoners. The prison population at Maryborough when visited was 466 prisoners with 80 per cent classified as maximum security prisoners. There are 180 beds in the high classification mainstream units, and a total of 220 residential beds. In addition there are 2 management units which provide prisoners with opportunities for improvement and 4 high protection units within which there is no ability for direct access to residential programs.

Residential units obviously offered more opportunities and freedom to prisoners with access to and from their cells during the night although each unit was still locked down each night. Prisoners enjoy longer times out of cells, have their own cooking facilities and greater access to recreational activities.

Residential is opened with a morning headcount and unlock at 07:30am with a count and lockdown occurring at 06:30pm. While mainstream maximum prisoners enjoyed less freedom and flexibility there is rostered activity within the structured day program education block during which selected mainstream prisoners mingle with minimum or residential prisoners during educational classes. Protected prisoners remain segregated.

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The mainstream maximum unit is normally unlocked at 07:30am and not subject to lockdown until 06:30pm (a maximum of 11 hours out-of-cell time) although hourly patrols are conducted through the unit. During the out of cell time mainstream prisoners could return to their own cells but, if so, were locked in until the next hourly patrol conducted by the prison officers. The structured day timetable included workshops, education, medication, health and other activities such as sports. Prison staff conducted daily briefings and debriefings as part of the structured day.

The prison grounds and officer stations and prisoner common rooms and cells were clean and well maintained and prisoners acted and spoke respectfully to staff and members of the Inquiry team.

At the time of the Inquiry visit, groups of maximum security prisoners were mixing freely in grassed and open space areas and staff and prisoners were interacting in a positive and constructive way. Senior management was clearly visible and obviously had a positive and personal relationship with staff and were seen as approachable by prisoners.

A weekly management walk-around is conducted by the entire management team including the General Manager and the Accommodation, Industry and Administrative Managers. During this time, prisoners are able to discuss issues with any of the managers with the expectation that issues will be noted and followed up and the prisoner advised.

Most prisoners have a clearly defined and understood structured day which is broken into two shifts, one 4 hour shift on work related activity, and one 4 hour shift on education. Peer programs operate with longer term prisoners assisting newer arrivals.

Prisoners each had their own personal plan and were aware of their potential pathway through the system. The pathway plan was clearly incentive driven and the prisoners appeared to engage with both the development and the operation of the program.

A case management system is a strong feature of the Maryborough operations and appears to be well understood by both staff and prisoners. Case notes are audited daily and prison officers are required to include both good and bad behaviour comments and any issues, no matter how small, including interactions with prisoners in their case notes.

Internal audit checks are conducted of prison officers to ensure they are doing the jobs expected of them and this is supplemented by a State-wide compliance system which involves compliance managers being placed in most Queensland prisons and undertaking audits and compliance checks, including remedial action not dissimilar to occupational audit and compliance processes.

All of these operational practice arrangements were seen by Queensland corrections executives as crucial to the overall security of the prison as well as the maintenance of a healthy prison.

The HM Barwon Prison in Victoria is a maximum security facility which contains some 1000 beds and which houses some of the most dangerous prisoners in the State.

The prison is some 19 years old, and from reports, previously had a reputation as a hard, dark place.¹²⁷ However, despite its age and prisoner profile, the prison demonstrated a similarly constructive and interactive staff-prisoner environment to that which had been observed at the Maryborough Correctional Centre.

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The Inquiry team was escorted through the prison by the General Manager who was clearly well known and respected by staff and known to prisoners. It became obvious from conversations with staff that the General Manager had a visible presence within the prison complex on a daily basis and that the entire senior management team also had a high profile within the prison.

Operational meetings were conducted on a daily basis and chaired or attended by the General Manager. These meetings discussed with all staff what had happened during the past 24 hours, what was scheduled for the forthcoming day, and provided opportunity for any staff to raise concerns they may have.

The Inquiry was advised that formal monthly occupational health and safety meetings are conducted together with two weekly compliance meetings which focus on basic business and what is essential to good security.

Each month, plenary style 'Town Hall' meetings are conducted by delaying the unlocks and operating the prison with a skeleton staff during the period of the meeting. These meetings are chaired by the General Manager, and attended by all remaining on-duty staff. Official Visitors are invited together with occasional speakers, and a topical agenda is set for each meeting. Each Unit Manager is required to provide a situational report, identify and share any initiatives implemented or being considered and to provide feedback on the progress of relevant programs.

An issue of particular relevance to the current situation at RPC was the role of the Victorian Corrections Security and Emergency Services Group (SESG). The SESG has a state-wide operational role and is on call for any emergency response. Local Emergency Response Groups (ERG) operate at each prison and may rotate into the SESG. While not having a permanent presence within the prison, ERG members are required to conduct a minimum number of high security searches each month and are paid an allowance to be on emergency response group footing. This requires after-hours training for which they are also paid.

At the Metropolitan Remand Centre the operational centres in the units were open reception-style areas separated only from the prisoners common room area by a low counter rather than officers being enclosed in 'gold fish bowl' style centres as exist at RPC. Despite the fact that most prisoners were maximum security rated, staff interacted consistently with the prisoners from within these operational centres.

The Inquiry team also visited the New South Wales Goulburn Maximum Security Correctional Centre (GCC) and the Goulburn High Risk Management Correctional Centre (HRMCC) which are jointly located within the Goulburn Correctional Complex.

The GCC is a combination of late 19th and early 20th century and some recently constructed buildings. Essentially though it is a 100 year old prison facility which is recognised as housing some of the most dangerous and difficult prisoners in New South Wales.

The HRMCC is a smaller 75 bed modern facility with state of the art security infrastructure and provides a level of security above that ordinarily provided in mainstream maximum security centres.

Both facilities, one due to its age and the other by its specific design, could be described as having hard traditional infrastructure with a predominant security focus.

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Within the mainstream GCC many of the older style buildings do not easily lend themselves to a dynamic security environment. Additionally the level and nature of violence within GCC in recent years has caused management to introduce a separation policy based on racial grounds with prisoners segregated and accommodated in yards or wings of between 20-40 prisoners.

Despite these issues and the restrictions they unavoidably must impose on the delivery of programs, a range of programs and educational opportunities are still available to prisoners, with the prevailing management philosophy being that “occupying prisoners is critical to the maintenance of a safe and cost efficient prison”.¹²⁸

Mainstream GCC prisoners enjoy on average 5½ hours out of cell time (9am - 2:30pm) per day and prisoners other than those rated as ‘extreme high risk’ have access to education block and work opportunities.

Mainstream GCC has an industry workshop with some 100 places and includes a cabinet making/carpentry facility, a tailor shop and a laundry.

A specific indigenous industry workshop offers indigenous prisoners culturally based traditional art and artefact work and skills development programs. These programs are widely recognised as having contributed to the stabilisation of the indigenous prisoner population and to a marked reduction in levels of indigenous prison violence.

Prisoners categorised as ‘extremely high risk’ have no access to education block, are restricted to their respective yards and are subject to cell moves once each 28 days.

Due to the volatile and dangerous profile of many mainstream prisoners, musters are particularly tightly controlled. As part of these controls, four members of the New South Wales Immediate Action Team (IAT), (which essentially is the equivalent of the TPS TRG), are routinely in attendance at all musters. While dressed in essentially the same uniform as general custodial officers they attend musters armed with batons and gas and have a ready response responsibility.

Importantly however, despite the obvious prisoner profile and the ready response priorities of IAT members, they have a strong ‘de-escalation focus’ and are specifically trained in conflict resolution and negotiation skilling. IAT team members who are identified as unnecessarily assertive or over aggressive are immediately transferred back to the general work force.

Members of the IAT are volunteers who are drawn from the general custodial workforce, receive no additional salary or allowances, and are subject to rotation back into the general workforce after 1-2 years of IAT service.

The HRMCC is a purpose built maximum security facility designed to accommodate up to 75 male prisoners assessed as posing an extreme high risk to the safety of the community, to staff and to other prisoners. It is suggested by the Inquiry that it is unlikely that any current RPC prisoner would be assessed as warranting HRMCC custody or to be classified as an extreme high risk in the GCC environment.

Regardless of the extreme high risk assessment of HRMCC prisoners, they enjoy on average six hours out of cell time daily (8:30am-2:30pm), have access to their own kitchen in their day rooms (which are shared with a maximum of one other approved prisoner), have access to psychology and counselling support services, education on request and to a grassed sports area which includes a small circular running track and a basketball court.

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The day to day management of HRMCC prisoners follows standard operational procedures. A case management team assesses and decides the behavioural management level of each individual prisoner by reference to clearly articulated written progression and regression criteria.

Unlike the situation in medium and maximum at Risdon Prison, the case management systems at all interstate correctional facilities which the Inquiry visited, strongly emphasised and encouraged the active participation of prisoners in the identification of short and long term goals and specific behaviour targets. This is not to suggest there is not a strong disciplinary basis to the practice of case management but rather to emphasise the importance of the behaviour monitoring role and a behaviour driven, rather than time driven, assessment and reclassification process.

Ongoing staff development and refresher training together with effective supervision is seen as critical to maintaining the desired levels and consistency of operational practice.

The following extract from the HRMCC management plan generally reflects the expectations identified at each of the interstate facilities visited and reinforces the concerns of the Inquiry as to the current level of knowledge and understanding of Risdon Prison Staff.

“It is... critical that all staff are thoroughly trained in all key functional areas including: Security and operational procedures, anti corruption strategies, assessment and reassessment, focused case management and related program. It is particularly important that training be provided to ensure staff understand and consistently provide accurate documentation as and when required.”¹²⁹

As identified in Chapter 6 of this report, a similar level of knowledge and understanding or commitment to targeted refresher training is not evident within Risdon Prison.

The importance and value of the dynamic security practices evidenced in the interstate secure correctional facilities which were visited by the Inquiry team is reinforced by the pie chart at page 106 which clearly identifies the issues that RPC prisoners who were interviewed identified as of most importance and concern.

ACRONYMS

BCP	Business Continuity Plan
BMP	Behavioural Management Program
CCTV	Closed Circuit Television
DSOs	Director's Standing Orders
EMC	Emergency Management Centre
ERG	Emergency Response Group
GCC	Goulburn Maximum Security Correctional Centre
HHMD	Hand Held Metal Detector
HRMCC	High Risk Management Correctional Centre
IAT	Immediate Access Team
IMS	Integrated Management System
IOM	Integrated Offender Management
LSCMI	Level of Service Case Management Inventory
MHWD	Mary Hutchinson Women's Prison
NGO	Non Government Organisation
OPCAT	Optional Protocol for the Convention Against Torture
PIRP	Prison Infrastructure Redevelopment Program
RBMSP	Ron Barwick Minimum Security Prison
RPC	Risdon Prison Complex
SESG	Security and Emergency Services Group
SMT	Senior Management Team
SMS	Security Management System
SOPs	Standard Operating Procedures
TIC	Tasmanian Industrial Commission
TRG	Tactical Response Group
WH&S	Workplace Health and Safety
WTMD	Walk Through Metal Detector

PUBLIC SUBMISSIONS SUMMARY

In response to Statewide advertisements in *The Mercury* and the *Examiner* newspapers as well as an invitation to submit information on-line via the Tasmanian Department of Justice website, the Inquiry received 14 submissions. The submissions were from a range of interested parties including: former prisoners, family of prisoners, former custodial staff, prison service providers, and lawyers working with prisoners.

Some of the submissions formed additional evidence to interviews conducted by the Inquiry team. In particular, the Inquiry received submissions from organisations who have partnered with RPC to provide services to prisoners which have contributed to the emotional, mental and physical health of prisoners. The submissions provided a broader picture of the services offered and tangible benefits of such programs.

In addition, the Inquiry received a submission on behalf of five prisoners alleging that treatment of these prisoners amounted to cruel, inhuman and degrading punishment. Similar claims were made in submissions received from former prisoners and their families who articulated a number of specific claims of abuse and mistreatment within the RPC prison system.

Former prison employees also made submissions and their carefully considered comments and substantial documentation provided further elements for the Inquiry's consideration.

All submissions received by the Inquiry were appreciated, carefully considered by Inquiry team members and have been taken into account in the production of this report. The submissions were able to provide supportive evidence to other material gathered by the team and as such contributed greatly to the Inquiry's wider understanding of the situation at RPC.

Several of the respondents requested that their submissions remain confidential. As a result, this report does not provide a list of submissions received. Finally, while some of the submissions provided information beyond the scope of the Inquiry all of the material contributed to a broad canvas against which the issues under examination could be viewed.

PRISONER QUESTIONNAIRE TEMPLATE

To all inmates,

My name is Mick Palmer and I am leading an independent inquiry that has been tasked by the Tasmanian government to inquire into a range of prison operations including particularly the management and treatment of inmates at Risdon Prison.

As part of my Inquiry process, I am keen that I, or members of my Inquiry team, talk to a range of inmates to ensure that I have an accurate understanding of life within all areas and security classifications within the Risdon Prison Complex.

Your decision as to whether you wish to talk to my Inquiry team or not is a completely voluntary one and you do not have to do unless you wish to.

However if you are prepared to assist the Inquiry can do so in two ways:

1. By personal interview; and
2. By completing the attached form.

If you wish to be interviewed please circle the box below.

If you wish to complete the attached question form, please feel free, in addition to answering the questions listed, to write any other comments that you feel are important.

Envelopes will be provided to each inmate and your letter will not be subject to any security clearance and will not be opened by anyone except myself or a member of my Inquiry team. If you wish to participate, please place this letter and/or questionnaire into the envelope provided and it will be returned to me in a sealed condition.

Your input into my Inquiry is important to me and I welcome any comments that you wish to make.

I must stress however that I have no power to investigate or remedy individual incidents or complaints (these should be directed to the Ombudsman).

I anticipate inmate interviews will begin in late February or early March.

I look forward to your response.

Mick Palmer, Risdon Prison Inquiry

ANNEX 2 - PRISONER QUESTIONNAIRE TEMPLATE

<p>YES</p> <p>I want to be interviewed</p>	<p>NO</p> <p>I do not want to be interviewed</p>
<p>Name:</p>	

	Yes/No Questions	Yes/No
1	Is this your first time in prison?	
2	You are currently a maximum/medium/minimum security level prisoner (cross out which ever is not appropriate)	
3	Do you live in maximum, medium or minimum security?	
4	Are you Aboriginal or a Torres Strait Islander?	
5	Are you a foreign national?	
6	What is your main daytime activity?	
	- Education or training	
	- Work	
	- Education and work	
	- A program	
	- Not working	
	- Other	
7	If you have work, do you normally work in:	
	- Unit activities such as cleaning	
	- Gardens and maintenance	
	- Industries, Kitchen	
	- Other	

ANNEX 2 - PRISONER QUESTIONNAIRE TEMPLATE

Please feel free to write what you think is important to you or other prisoners in your following answers

8. Do you feel safe in the prison or are you ever bullied or do you know of other prisoners who are bullied?
9. Do you believe that the work or any programs you are doing will help you in the future? If the answer is no, what sort of things would help you once you leave prison?
10. Do you know who your Case Manager is and if you have had a case conference recently, did you get to have your say?
11. Do you think you are treated fairly and with respect by staff?
12. Do you think the prison does enough to stop drugs coming into prison?
13. How do you go about seeing the doctor or dentist?
14. Are you generally happy with the quality and quantity of food?
15. Do you have any concerns with the conditions in your cell?
16. How much time do you spend a week in outside recreation and the fresh air?
17. Are you happy with the respect shown to your visitors?

STAFF QUESTIONNAIRE TEMPLATE

During the course of interviews being conducted with RPC staff during the past week the suggestion has been made that some TPS staff who are not participating in the current interview process or who are currently stationed elsewhere within the service, may still be interested in completing a questionnaire.

In response to this suggestion I have prepared a number of questions, listed below, which I encourage staff who have chosen not to be interviewed to consider completing.

Staff who have been interviewed are also invited to complete the questionnaire.

All information provided to the Inquiry will be treated in confidence.

Whilst I would prefer that staff completing the following questionnaire identify themselves, anyone who for whatever reason, wishes to submit an anonymous response may post or deliver a hard copy to Inquiry offices (located at the old training cottage, Risdon Prison).

Questions

1. Length of time within the Tasmanian Prison Service and the nature and extent of experience?
2. What do you see as the most important issues or challenges faced by custodial or non custodial staff in their day to day duties?
3. How safe do you feel within RPC as a workplace?
4. Do you feel respected by your fellow staff?
5. What do you believe could be done to improve staff safety?
6. What is your opinion on the role of the Tactical Response Group and how the group should best be engaged to ensure staff and prison safety?
7. Can you explain the training process that you completed when first recruited and the nature and quality of induction and in-service training that you have completed since that time?
8. If you had the money and authority to change things within RPC (including admin and support programs) both to improve the safety of staff and the efficiency of the operation of the prison, including the treatment of prisoners, what would you do?
9. How would you describe the relationship between senior TPS management and the RPC workforce?
10. Can you explain how senior management communicates changes to operational practice or policy, the nature of communications between management and staff generally, and the nature and extent of group or individual briefings between management and staff?
11. How do you believe prisoners are treated within RPC?

ANNEX 3 - STAFF QUESTIONNAIRE

12. In your opinion, do prisoners believe they are treated fairly by staff?
13. How would you describe the relationship between custodial staff and prisoners?
14. How would you describe your personal interactions with prisoners, particularly those for whom you have case management responsibility?
15. Do you have a case management load? If so how many inmates do you case manage?
16. Can you explain how effective you believe this process is and any improvements that could be made to its effectiveness?
17. Do you have a clear understanding of your functions and responsibilities?
18. How would you describe the relationship and interaction between custodial and non-custodial staff?
19. Additional comments/issues?

ANNEX 4

INTERVIEW OBSERVATIONS

The following are summaries of the more important issues identified separately and independently by the various members of the Inquiry team during the course of interviews with staff and prisoners and site observations within the RPC.

ANNEX 4.1

REHABILITATION/PROGRAMS/EDUCATION

- ▶ In many regards this is the major issue which goes to the core of many problems within the prison system including management, case management and health issues.
- ▶ It is obvious from comments made by both prison officers and prisoners that there are obviously insufficient education and employment programs being conducted within the system.
- ▶ While it may be correct to attribute it to a lack of funding and resources we heard accounts where people conducting programs had been denied access into areas of the RPC to run the programs that had been funded. There may be good reason for this but it is hardly an effective use of resources.
- ▶ We heard on many occasions that the prisoners want to be kept busy, boredom is their greatest enemy, similarly most prison officers want prisoners kept busy as they are easily managed while they are and easier to manage when they are tired.
- ▶ It is a ‘win win’ situation and the question should be asked ‘why is this not happening?’.
- ▶ Rehabilitation appears to be almost non-existent.
- ▶ One senior officer commented that we should read the book ‘These Fatal Shores’, about Port Arthur as a penal colony in 1856, and we would realise that they had better rehabilitation policies back then than today at Risdon.
- ▶ I interviewed a number of prisoners, long termers, who expressed their fear of being released and of their ability to cope with the outside world. These people had not completed any programs that would equip them to re-enter society.
- ▶ I particularly recall interviewing a prisoner who related to me that he had actually refused to sign a request for parole on the basis that he had not been rehabilitated and if released on parole he would only re-offend and be returned to the RPC. In his mind rehabilitation was the answer and if an uneducated person can arrive at this decision one should ask why those in control cannot reach the same conclusion.
- ▶ The lack or cutting of funding is a short term fix and is offset in the long term by the cost of prisoners reoffending and the cost of addressing riots and industrial actions.

BULLYING AND PERSONAL SAFETY

- There is a general pecking order and once that is established the prisoners tend to be more accepting of each other.
- It is an ongoing issue which is difficult to control but it is not a great issue between prisoners. Almost all the prisoners spoke of a settling in period when commencing a sentence but outside of that it was petty bullying for cigarettes and sometimes food.
- Their overall concern was the use of bullying tactics (bastardisation) by some prison officers to goad prisoners into a response that would impact on their contract level, classification and in extreme case result in lockdowns and solitary confinement.
- This then could be the spark for riots and assaults on prison officers. It was said to us on more than one occasion by some prison officers that it was okay in Division 8 when there were bars between the prisoners and officers but now that they are in face to face situations in RPC some officers are not comfortable and resort to stand-over tactics to exercise control.

CASE MANAGEMENT

- This is a system that has much to offer but certainly has not been fully accepted by the prison officers and the major reason may well be the lack of appropriate training and management's ability to sell the concept to its officers.
- There are other factors to be considered in that if there are no programs available some well intended officers feel that the system fails. If they, as officers, have no bargaining chips then it becomes extremely difficult to convince prisoners that there is something in the system for them.
- It is true that some officers have adopted the system and make it work as well as they can but I do recall speaking to one who did not feel hamstrung by the lack of programs.
- There are also a number of officers who think it is a waste of time and told us so in as many words. That is not an environment for a successful implementation and obviously needs to be addressed.

HEALTH SERVICES

- Firstly, I think the provision of medical services is about as good as it gets in any prison and I do not recall too many prisoners complaining about the service. They complained about the process, the applications, the applications that were lost, how the officers played games with them, but stated the service itself was okay.
- It is true that some prisoners managed to see a dentist on his occasional visits but the process and the wait required beggars belief. If you are to believe the prisoners then the officers use it as a tool to punish them, 'you'll be right, here's a panadol'.
- There is no provision within the prison for emergency dental work unless the prisoner has money to pay for the service to external dental practitioners.

ANNEX 4 - INTERVIEW OBSERVATIONS

TRAINING FOR PRISON OFFICERS

- ▶ Like most things at RPC this is an issue driven by funding.
- ▶ It became quite obvious after the first few interviews with officers that there was recruit training (unavoidable) and then there were those must do courses such as first aid, BAS and gas training which then required the mandatory refresher training every twelve months.
- ▶ That is the extent of their annual training program.
- ▶ There was training for the case management system which gave rise to an anecdotal comparison. During that training there was apparently one day provided on conflict resolution and interpersonal skills. An officer, previously from an interstate prison service, told us that in that State they spent six weeks doing those topics. If correct, this speaks volumes about the in service training of one organisation and very little for the other.
- ▶ Almost all the officers I interviewed thought the recruitment program equipped them well enough for prison duties although more ‘on the job’ training would have been useful.

FOOD

- ▶ One of the major issues for prisoners was the quality of food provided.
- ▶ This issue related almost exclusively to the evening meal ‘chill packs’ which are reheated after preparation and chilling for service on a particular day.
- ▶ Interestingly, the complaints from minimum security were few and in general their meals were received hot and were obviously far more palatable that way.
- ▶ It was only from the RPC where the complaints were most vocal.
- ▶ Based on the interviews with prisoners at RPC the food when delivered to them could have been anywhere up to two hours after the meal was heated.
- ▶ This seems logical given that the meals were hot when received in Minimum. It is an issue that needs to be addressed as ‘food’ can easily be the cause for disturbances within the prison.
- ▶ Many of the prisoners just regard the slow delivery of food to the RPC as another way the prison officers are getting at them.
- ▶ There were few complaints about breakfast and lunch although the quantity of meal portions did come up a number of times.

FACILITIES

- ▶ Another issue raised by most maximum prisoners was the lack of opportunities to use sports equipment and the sports oval.
- ▶ I understand that much of the sports equipment, weights and medicine balls, were removed after the breakouts late last year. This simply means that all the prisoners were punished for the actions of a few. This is an area that could be reviewed.
- ▶ The sports oval has been provided for the use of prisoners but there seems to be a great reluctance to allow them to use the oval. This approach does not make much sense.
- ▶ I use three different interview rooms in maximum security. One of them had four computers the others at least two. The comments from prisoners were ‘they have only been brought in since the enquiry started’ and ‘we are not allowed to use them’. One would wonder ‘why?’.

ANNEX 4.2

REHABILITATION/PROGRAMS/EDUCATION

- There appears to be little opportunity to undertake meaningful programs, education, or training opportunities whilst in custody to assist and prepare prisoners for their return to the community.
- There seems to be a genuine view amongst prison staff that there are few activities available which spark a prisoner's interest and encourage them to improve themselves.
- I observed a significant level of frustration among prisoners and staff because of the inability to access courses that were once offered and have been removed due to limited availability of resources, budget, space and ability to source skilled instructors.
- It appears to be a concern that limited opportunities are available for short term prisoners to engage in training, education or programs.
- There appears to be a work versus money dilemma for prisoners. It was conveyed to me that prisoners often choose to work rather than pursue an educational opportunity or undertake programs as they would prefer to earn a little extra money to use upon release or have more money to use within prison.
- Opportunities for young female prisoners to improve themselves appear to be wanting. Female prisoners expressed a view that in maximum there were limited opportunities to access programs, work or engage in training. It was conveyed to me that a number of young female prisoners had not had the chance to be shown basic life skills (reading, writing or budgeting for example) or how to care for and/or interact with their children, and there appears to be a commonly held view that emphasis ought to be placed on programs specifically directed areas such as these.
- There seems to be a perception amongst prison officers that the transition to the new prison has not resulted in the successful delivery of training and employment programs.

BULLYING AND PERSONAL SAFETY

- There appears to be a genuine concern that bullying and ostracisation occurs between: prison staff and prison staff, prisoners and prison staff (and vice versa), and prisoners and prisoners.
- Drugs appear to be a major problem and a lot of stand-overs and bullying seems to occur for S8 drugs.
- Prisoners placed under protection seem to experience the most threats, stand-overs and verbal/physical assaults. A strongly held perception was that to be truly protected in RPC protected prisoner's accommodation/exercise yard would need to be separate from that of the mainstream prisoners.
- Interestingly both prisoners and prison officers from RBMSP remarked that there were no issues with protection in minimum, where there is a mix of all sorts of prisoners.
- RPC is a male dominated environment and there appears to be a strongly held perception that the attitude of some male prison officer's towards female staff is inappropriate.
- There appears to be procedural and operational inconsistencies giving rise to prison officer's feeling unsafe.

ANNEX 4 - INTERVIEW OBSERVATIONS

CONFIDENTIALITY

- ▶ Amongst the prisoners there appears to be a concern that their complaints or personal concerns are not handled in confidence.
- ▶ Prison officers and non-uniformed staff expressed concern that information is not treated in confidence, whether it is regarding a prisoner or another officer.

CASE MANAGEMENT

- ▶ Case management has such value to offer yet it appears to have been poorly implemented.
- ▶ There does not seem to be the necessary support or training (or refresher courses) available to prison officers to get the best out of the case management program.
- ▶ It was conveyed to me that prison officers seem to struggle with completing their normal duties and managing case loads.
- ▶ It was refreshing to hear how certain prisoners had received benefit from their case management and had established a rapport with their case officer/s.
- ▶ There seems to be a perception among prisoners living in medium and maximum that case management is of little benefit for them.
- ▶ It appears that case management is integral in winning over prisoners and engaging them in a program, educational or training opportunity.

HEALTH SERVICES

- ▶ Prisoners remarked that they often face a lengthy wait to access medical and/or dental treatment.
- ▶ Follow-up consultations appear to be infrequent or non-existent.
- ▶ Request forms to see the doctor or dentist often appear to not be acknowledged and prisoners seem to have to submit a number of request forms before their concerns are addressed.

TRAINING FOR PRISON OFFICERS

- ▶ There appears to be a consistent concern that limited opportunities exist for prison officers to undertake training, particularly in the areas of IOM, negotiation, conflict resolution and how to deal with difficult prisoners.
- ▶ Ongoing training for prison staff to develop further or refresh skills seems limited.
- ▶ It was mentioned by prison staff that RPC would significantly benefit from an improved performance management system.
- ▶ There is a perception by prison officers that there is limited exposure during prison officer training to the prison itself and the prison officers/non-uniformed staff working with prisoners.

INDUCTIONS

- ▶ Prisoner inductions by prison officers appear to be ad hoc and prisoners seem to be informed of the policies and procedures by other prisoners.
- ▶ There is a genuine concern among prisoners that they are not provided with an induction booklet that explains clearly and in plain English their rights, what is expected of them (privileges/sanctions) and the procedures/policies of the prison, (for example visits, classifications, contract system, health services, phone usage, what to do in an emergency).

ROSTERS

- ▶ There appears to be a lot of tension around the staff rosters; the consistent concern is that there is a need for a rotational roster to move staff regularly throughout the prison to avoid burn out and the potential for staff to be compromised.
- ▶ Amongst prison staff there appears to be a concern that certain areas of RPC may require a more consistent presence of staff, such as areas managing prisoners with high needs.
- ▶ A genuine concern conveyed by prison staff is that prison officers/staff may not be well suited to all environments within the prison and that greater effort by management to prepare staff to deal with the varied areas is seen as necessary.

PRISON MANAGEMENT

- ▶ The relationship between management and prison officers/staff appears strained and there seems to be an undercurrent of cronyism.
- ▶ Custodial management seem to struggle with the different point of view that therapeutic services represent.
- ▶ There seems to be limited interaction and communication between management and prison officers/non-uniformed staff working at the 'coal face'.
- ▶ There appears to be a concern among prison officers that management is top heavy and it was remarked that managers seem to have limited experience.
- ▶ I observed that support (such as de-brief, counseling services) provided by management to prison staff after incidents seems inadequate.
- ▶ It was mentioned by some prison staff that they receive good direction and support from their manager and that management has an open door policy.

GOVERNANCE

- ▶ It appears that RPC would benefit from a strengthened governance structure.
- ▶ Prison staff and prisoners have a right to expect that RPC/TPS will carry out its functions in a manner that is efficient, transparent, objective and effective. There are benefits to be gained from strengthening the levels of openness and transparency between management and prison officers/staff and also prisoners.

ANNEX 4 - INTERVIEW OBSERVATIONS

VALUES

- ▶ RPC needs to embody a culture of integrity and the tone of the prison needs to be set by senior management and adopted wholeheartedly by the prison officers and staff responsible for the delivery of services to prisoners. Management must set the tone for the prison and ensure it is enforced.

ANNEX 4.3

PRISONER ISSUES

FOOD

- ▶ The issue of food quality and quantity varied depending on location within the Prison. Comments from RBMSP were almost entirely complimentary and when questioned it may have something to do with the proximity to the Kitchen and the re-heat system as against the still cold and watery version supplied to RPC.
- ▶ Much comment was made as to the water in the bottom of the food after the reheat process that appeared directly related to the type of food and vegetables served.
- ▶ A significant number of prisoners from maximum stated that they almost every time throw their night meal out. Many said they only get paid \$27.50 which helps them to buy tobacco so if the food was any good they would not be throwing it out to buy from already strained funds.
- ▶ The food services manager provided deep insight into the food process and it is very clear that the food provided satisfies the dietician and health food standards being checked regularly. It also worthy to note that other mainland state correctional centres had visited RPC to admire and hopefully copy the process. Apart from the repetition of sandwiches for lunch, the variety of food when placed into trays before chilling appears very good, however when it is presented for consumption, it is in another condition.
- ▶ Food quality was noted as a contributing factor to the siege and not much has changed in many prisoners' eyes.
- ▶ Concern by some as to prisoner names being displayed on food if they have special dietary needs and the opportunity for it to be tampered with. A prisoner in Huon interviewed was a diabetic and who told of not eating the food very often as a convicted rapist he was bashed every time he went to medium and he feared for his life – yet his dinner had his name clearly emblazoned on the front.

SAFETY

- ▶ Harassment and bullying varied depending on location with the complex. Prisoners from RBMSP spoke very little of bullying which was surprising given the variation of prisoner's crimes from serious homicide to sexual offences. A degree of stand over for tobacco and other goods appears to exist within the minimum unit however most prisoners respect where they are and all stated that medium in RPC was where all the danger and self preservation issues were and that they were keen not to go back.
- ▶ Harassment and bullying in medium is common and significant. Prisoners told of fear going from Derwent maximum to medium and the stabbings that followed. Bashing of sex offenders in medium seems almost to be common in contrast to minimum where all prisoners appear to co-exist.
- ▶ Harassment and bullying in maximum appears limited. Apart from the bashings, a general hatred of sex offenders and certain officers appears to be more common.
- ▶ Prisoners in all RPC locations expressed fears for their own safety mostly from other prisoners in medium but also from some officers who appear to dominate and use excessive force.
- ▶ Prisoners in medium are forced to wear coloured bands around their neck to identify their domiciled cell location under threat of a charge if not worn. Prisoners view the bands as inflammatory as they readily identify protection prisoners, while others noted that their need to observe a tradition of bashing protected prisoners is now assisted by the tags.

CONTRACT SYSTEM

- ▶ All prisoners were aware of the contract system however not all were complimentary as to the process and the correctness of application.
- ▶ It appears that case management has a dual role and plays a significant part in the contract system. Many prisoners view this cautiously and many cases were cited where inappropriate comments made on the case file by an angry and aggressive custodial officer hampered and guided the contract level and ultimate parole process of prisoners.

CASE MANAGEMENT

- ▶ Those prisoners that had a dedicated and caring case officer praised the case management system. Unfortunately, a large number of prisoners never knew who their case manager was and even if they were aware of them, spoke of how they never did anything for them, could not see them often due to roster changes or had no respect for them.
- ▶ Prisoners also spoke of problems of contacting alternate case officers when their normal officer was on leave and the reaction of 'let it wait until they return'.
- ▶ Similarly, a number of custodial officers employed in RBMSP spoke proudly of their case load (varying from two to seven) and how it was audited regularly and how they were contributing to the wellbeing of the prisoners which in turn made their job easier with a happy prisoner.
- ▶ A number of custodial officers aggrieved by management and or who were treated badly by TPS spoke of not having any case load and if they did, they were not aware of who their prisoners were and how useless the system was. A large number of officers spoken to outside of RBMSP spoke of varying case loads from zero in operations to two or three in medium and zero in maximum and the general feeling of the imposition it created for them and the ability to use the notes for all varied reasons.

ANNEX 4 - INTERVIEW OBSERVATIONS

CLASSIFICATION

- Classification of prisoners largely appears to be associated with bed availability, particularly from maximum to medium and back again.
- Classification from medium to minimum appears to be loosely controlled and often stirs up prisoners in the minimum unit with prisoners transferred on drug related offences who re-offend within days and who are sent back.
- Classification of prisoners due to good behaviour and/or willingness to move through the system is not always prevalent and many prisoners related stories of being held back by harsh custodial officers who had an axe to grind.

EDUCATION

- Basic education such as literacy and innumeracy skills should rank foremost as the majority of prisoners are illiterate.
- Education quality and quantity varies throughout the centre.
- Education facilities in medium are excellent with adjoining offices (now housing custodial officers rest areas and storerooms) well suited to house the education/program teams.
- Education is often interrupted or not held as the allocated custodial officer is the first respondent and or maybe allocated to replace a shortage in the seven officers required for general medium.
- Significant differences exist between custodial staff and corrections staff who deliver education and programs. Not all assistance is provided even though all staff interviewed noted without exception the need for education and programs for the prisoners. Advised on many occasions the course presenter and the prisoners would present themselves at education only to be met by an irate officer who advised that there would be no classes.
- Prisoners appear not to be aggressively targeted for education and or programs and sit around in RPC.
- Prisoners in Derwent told of computers appearing in the education room of the unit only since the Inquiry began.

PROGRAMS

- Prisoners and officers from RPC all related to the boredom and lack of things to do and requested programs to assist.
- Prisoners in RBMSP advised of the need to have programs specific to assist them when they were released such as trade skills.
- Prisoners in RBMSP all spoke of either being employed or having the opportunity to work in the industries available in minimum.
- An officer from IOM spoke of the difficulty they experienced in developing and delivering programs mainly due to the differences that existed between custodial and non custodial staff.
- Prisoners suggested basic life skill courses such as understanding Centrelink paperwork and processes, interview and job application skills, managing money and credit management.
- Custodial officers and prisoners all questioned the value of making Valentines Day cards yet spoke highly of a program that enabled prisoners to record messages for their children on DVD.
- The dog program in RBMSP appears to operate with success and is viewed favourably but with some concern as to the future with funding cessation in the immediate future.

EMPLOYMENT

- ▶ Heard on numerous occasions of prisoners being employed, some for as little as 1 hour a day and how the TPS manipulated the 1 hour employment to reflect a high employment ratio.
- ▶ Advised on a few occasions as to receipt of completion certificates for courses conducted by Polytech when prisoners had no knowledge of ever participating in the course.
- ▶ Suggestions of fraudulent collection of Federal Government new apprenticeship training fees were levelled on a few occasions.
- ▶ Advised the kitchen one time made bread products for outside consumption on economic grounds but was discontinued by the incoming food services manager. Appears apprenticeships are offered in the bakery and many suggested the opportunity could be expanded if other bread needs were made available.
- ▶ Prisoners in medium and maximum suggested that all employment was made available first to protected prisoners leaving very little for anyone else.
- ▶ Prisoners spoke of their willingness to undertake work if available primarily due to the increased salary.

REHABILITATION

- ▶ Prisoners spoke of the delivery of Drug and Alcohol, Getting smart, Turning Point and Anger Management programs but little else and how the programs were useless on many who were illiterate.
- ▶ Many felt they were only warehoused and the prison was not a correctional institution.
- ▶ Many prisoners questioned why other forms of home detention could not be utilised for prisoners in RBMSP for drink driving offences.

PROGRESS TO PAROLE AND RELEASE

- ▶ The process of parole appears to contain many errors and little or no process management.
- ▶ Prisoners advised of other prisoners virtually walking out on the nominated day of release only to be called back due to inadequate paperwork.
- ▶ Many prisoners spoke of their despair upon release due to lack of money, lack of accommodation, no understanding of Centrelink obligations, no trade and no opportunity of employment.
- ▶ Many prisoners spoke of inappropriate handling of section 42 of the Corrections Act by custodial officers, many using it as behaviour management control.
- ▶ Prisoner transferred from Adelaide to complete his service advised of the South Australia prison system where \$2 per week was deducted from prisoners earnings to assist them when released.

ANNEX 4 - INTERVIEW OBSERVATIONS

MEDICAL – DOCTOR – DENTIST

- ▶ Majority of prisoners spoke quite well of the medical staff including the doctor and especially the nurses.
- ▶ All prisoners spoke of the need to wait about two weeks to see the doctor or quicker if an emergency or a diabetic.
- ▶ Prisoners expressed concern in relation to access to the dentist who has not been seen for some six months and the need for them to pay from their own money to have dentures and plates made. Considerable delay in procuring the plates and dentures resulted in many asking for their money to be refunded.
- ▶ Advised that the dentist who visited from Victoria and had resigned.

CELL CONDITIONS

- ▶ Cell conditions in the main were considered by the majority to be good to very good.
- ▶ Some prisoners expressed concern at not being able to display family photos in their cell for lack of appropriate adhesive.
- ▶ Prisoners in RBMSP spoke of the filth associated with the communal showers and the need to have a wards man that regularly cleaned them.
- ▶ One prisoner spoke of the washing machine and drier situation in medium where one machine is nearly always out of order necessitating his waiting his turn until 4.30am to do his laundry.

DRUGS

- ▶ Prisoner's reaction to drug availability within RPC varied by location and prisoner classification.
- ▶ No one spoke of hard drugs but rather marijuana and the misuse of S8 drugs administered by the nurses.
- ▶ Drugs were not viewed as bullying lever however tobacco was.
- ▶ Accesses for drugs into RPC were suggested to be by visitors, corrupt custodial officers and/or by delivery vans.

VISITORS

- ▶ Prisoners who received visitors advised that they were in the main well treated and experienced no troubles.
- ▶ A limited number of prisoners spoke of their parents and grandparents being abused by custodial officers.
- ▶ Visitor facilities in RBMSP are acceptable for adults but inadequate for those with young children.

CLOTHING

- ▶ Many prisoners spoke of incorrect clothing size issues and the need to make do.
- ▶ Many spoke also of issues with second hand clothing including underwear.

TELEPHONE CHARGING AND ACCESS

- ▶ A number of prisoners spoke of the call costs associated with the Arunta system.
- ▶ Issues of call monitoring by custodial officers and inappropriate cancellation of approved numbers was also raised.

LOCKDOWN

- ▶ Prisoners in Risdon Prison spoke of frustration with extended periods of lockdowns and the irregularity of am unlock, lunch time unlock with the times varying from day to day.

EXERCISE AND ACCESS TO THE OVAL AND SPORT FACILITIES AT RPC

- ▶ Prisoners in medium spoke of variance in access to the oval and how two custodial officers were needed to provide escort/supervision which left inadequate numbers of officers in medium to supervise other units and education.
- ▶ Prisoners in maximum iterated the limited recreation yard size, limited sports equipment available and the need to use makeshift weights of plastic bags filled with water.
- ▶ Prisoners in RBMSP spoke of games such as cricket and football and the opportunity to walk the interior perimeter as desired. No evidence of any worthwhile gym exists with only limited gear available in RBMSP and zero in Risdon Prison.

RELATIONSHIP WITH CUSTODIAL OFFICERS

- ▶ The majority of prisoners said inconsistency was the main issue with custodial officers.
- ▶ Many noted the majority of custodial officers are fair and good to deal with while a few were rude and offensive with little or no time for any prisoner issues.
- ▶ Some prisoners felt deliberate misuse of case notes and contract management by officers with a grudge was prevalent.
- ▶ Prisoners were generally aware of the correctional officer complaint process through the Ombudsman however for the few that had done so; their outcomes were either delayed in process or dealt with as a minor issue. Prisoners also stated there was reluctance to complain as reprisals were swift and deliberate.

CORRUPTION

- ▶ The issue of custodial officer corruption was raised on a few occasions and included inappropriate relaying of confidential information to prisoners, inappropriate touching of female correctional officers by prisoners.
- ▶ Intelligence officer spoke of a broken intelligence system that was inappropriately managed and controlled by the Director as a unit with limited value and input.
- ▶ Accusation of corruption by custodial officers was made in relation to misappropriation of prison equipment and appointment to senior positions.

ANNEX 4 - INTERVIEW OBSERVATIONS

INITIAL AND IN-SERVICE STAFF TRAINING

- ▶ When questioned as to the value of initial training, the majority replied it appeared to be adequate.
- ▶ No structured officer in-service training appears to exist.
- ▶ Some officers iterated a desire for more on the job in prison training as part of the original training course.
- ▶ Officers noted that minimal in service training had been provided other than programs such as SASH, breathing apparatus etc.
- ▶ Officers noted the lack of refresher training.
- ▶ Officers noted the lack of de-briefs and tool box talks or any opportunity to contribute to the improved running of the prison.
- ▶ TRG members advised of their monthly meeting schedule and the advanced training opportunities available.
- ▶ Officers advised of their concern in being allocated to work in certain areas such as operations and Tamar with limited knowledge and inadequate training for the systems they manage. Officers feel the 'you will get used to it' is inadequate and unsafe.
- ▶ Officers tell of the inadequacy of induction in new work areas and or new work procedures.

SAFETY

- ▶ Officer safety in RBMSP and Hayes Prison Farm is not an issue with all officers spoken to advising of a well run prison and appropriate prisoner management.
- ▶ Officers in RPC all advised as to concern for their safety. Officers in medium spoke of their concern with the allocation of one officer to each unit and one to education only and the many opportunities for prisoners to cause harm to officers.
- ▶ Officers in maximum all spoke of their concern for safety, limited CCTV in some prisoner transporting areas.
- ▶ Officers in RPC spoke of their concern with response times and access to trouble areas given the slow nature of the SMS system and area access.
- ▶ The majority spoke as to the benefit of TRG with a large number suggesting an on site out of prison tenancy as being the preferred model.
- ▶ Have difficulty understanding the handcuffed movement of maximum prisoners to health and or transport as against unhand cuffed maximum prisoners sharing common area for visitors with other prisoners.
- ▶ Some officers told of their appointment to maximum for excessive periods and some spoke of appointment as a discipline tool.

INTERACTION WITH PRISONERS

- ▶ Majority told of the need for respect from prisoners but also the way you interact with each one is the way you are often treated by them.
- ▶ Some advised as to the annoying nature of prisoners and the frustration with not being able to tell prisoners of progress with their issues for lack of communication from management.
- ▶ Fill a form out' answer for everything appears to create a massive paper work load and many tell of prisoner's forms being lost, some not being appropriately processed and some just taking far too long for an answer all leading to problems with prisoners.
- ▶ It appears that no process adequately exists for custodial officer behaviour or work related errors or role correction by a supervisor leading to many custodial officers acting contrary to procedures for long periods of time.

STAFF APPRAISAL AND EMPLOYMENT DEVELOPMENT

- ▶ Not one officer interviewed noted ever receiving a staff performance appraisal.
- ▶ Much comment was made as to the process of appointment to senior positions with the 'face to suit the job' and not the best person for the job as the key ingredient.
- ▶ With so many officers acting up at supervisor level, it was difficult to see any staff mentoring occurring with little or no officer discipline process apparent.
- ▶ Officers spoke of additional education courses available through outside providers with minimum course completion required to promotion to supervisor level.

MANAGEMENT AND COMMUNICATION PROTOCOLS

- ▶ Officers noted prior to announcement of the Inquiry little or no visitation by TPS management in RPC with some limited exposure since.
- ▶ Open access to all staff and management for any issue through email has developed a 'do not care about us' mentality as senior management do not reply. There appears to be no observed protocol for development and recording of an issue, process through tiered management with recommendation to senior level. Officers feel left out by a lack of communication.
- ▶ There appears to be a lack of an appropriate management structure with roles not well defined with no individual employee mentoring, improvement and or discipline and an absence of a transparent selection and promotion regime.
- ▶ Other than operations staff who meet daily with their supervisor, there appears to be no opportunity for officer input and discussion as to prison improvement.
- ▶ There appears to be a lack of incident de-briefs, tool box meetings and a recognised procedure where officers can feel part of a team.
- ▶ Officers from RBMSP spoke highly of their manager and his ability to communicate and achieve high standard of officer output with regular meetings and an open door communication strategy.
- ▶ Officers in RPC noted varying levels of respect for members of the SMT.

ANNEX 4 - INTERVIEW OBSERVATIONS

SOPS AND DSOS

- Officers interviewed noted the existence of SOPs and DSOs and knew where to locate them if required.
- Officers also told that they act as required on the day and if they had to rely on SOPs every day, the place would not open. Officers told of adapting procedures to get the system working.
- Officers told of many SOPs that were out of date and or inappropriate and therefore a general lack of respect toward them.
- Non reliance on SOP creates a belief in a failing staff discipline process where officers are able to flaunt a system with little or no correction.

ROSTERS

- Rostering has been an issue for some time with a new version released during the Inquiry.
- Officers in the main, favour a rotating roster where all staff get to work in all areas over a given cycle. Issues associated with case management need to be addressed however the majority of officers felt a rotation system to be fairer and provide for a more cohesive and rounded skill set of officers.
- The issue of overtime and staff shortages could be adequately addressed within a rotating system.
- Apparent that officers in RBMSP are considered to be a lesser skill officer by those in Risdon Prison.
- Officers in RBMSP generally do not chase the overtime and are happy to work within the system and are not all convinced of the benefit of a rotating system.
- Officers consigned to RPC especially those sent to Maximum as punishment see the rotation system as a relief. Officers in medium had no major issue with the roster rotation.
- Allocation of a limited number of officers to medium appears to create many issues especially to education and lockdowns when staff shortages occur or when prisoners are provided access to the sports area. Minimal supervision of key protected prisoner areas was also identified as an issue by only having one officer for each block plus one as first responder/relief in education.

WH&S, WORKERS COMPENSATION AND RETURN TO WORK

- Officers spoke of their awareness of WH&S and a WH&S Committee. They spoke of the committee being controlled by the director by selected appointments with lack of appropriate appointees from each of the key work areas.
- Little or no evidence was found of a healthy working WH&S system within the prison with officers in the main not aware of hazard or risk identification reporting.
- When quizzed as to the union approach to WH&S they replied that they have bigger fish to fry than WH&S.
- It was reported that a large number of officers are on workers compensation with only one case sighted of an officer in return to work employment.
- Officers generally were not too well informed as to the return to work procedure and or the existence of a return to work coordinator and or injury investigation process.

ACTING ROLES AND APPOINTMENT TO SENIOR POSITIONS

- There appeared to be a large number of officers in an acting capacity at all levels of the prison from assistant director to supervisor.
- Officers spoke of their belief in a corrupt selection and appointment of staff to supervisor level.
- Officers spoke of their lack of respect for the process and subsequently for those appointed as supervisors in an acting capacity.
- When questioned as to who administers officer discipline and or correcting procedures, it appears that it occurs at either supervisor level with little or no effect, at manager level on a limited basis and at director level more often. There appears to be no clear management line with defined responsibility and accountability.

MANAGEMENT ISSUES

DIFFERENCE IN UNIFORM COLOUR

- Advised that custodial staff wearing different coloured uniforms' being viewed as holding two completely different operating requirements' with no cohesion.
- RPC staff believe that custodial officers consider that they are the prison and pay little or no respect to support staff.
- Advised that the corrective divisions such as the kitchen are required to perform to their budget whereas custodial managers do not have to observe the same requirements.
- Officers believe SMT meetings appear to be restricted by not including all key staff with little or no input from custodial staff provided.
- Advised that the prison is operated by a series of silo divisions with no direct reports or updates as to division performance or system improvements. Many cases were identified of failure to advise of prisoner movements and or releases – which resulted in excessive waste.

STRUCTURED DAY

- Much comment was made on a structured day and the benefit to the prison operation and general management. It appears that to a large degree the left hand does not know what the right is up to with resultant basic errors occurring. Movement of prisoners is sighted as a major issue with little information relayed to custodial staff – such as kitchen and education.
- It appears that the prison operates more on a reactive day with prisoner lockdowns and unlocks being undertaken at will, support services running along behind trying to comply.

COMMUNICATION

- Officers spoke of a one way communication cycle with unfettered requests and reports being sent direct to the Director by email with no observance of protocol by engagement of the line manager.
- Officers and prisoners suffer from lack of advice and lack of belief in the system where information is not provided and all requests are treated with disrespect.

ANNEX 4 - INTERVIEW OBSERVATIONS

ACCOUNTABILITY

- There appears to be a lack of a clear management structure where all roles are defined and reporting levels fixed for all staff.
- There appears to be a lack of cohesive management where all levels are engaged by senior management on a regular basis for the common good working of the prison.
- Morale is considered to be at a very low level with management perceived to be by crisis control and not by well founded, discussed plans with defined outcomes.
- Many officers consider the union to have too much to say in the running of the Prison and yet the union believes their future lies with the General Manager RPC.
- No avenue exists for regular meetings of the Director and or his senior staff and the union. All meetings are the result of issues that could have been controlled and contained earlier by consultation.
- The existence of two unions with a believed 100 per cent membership by custodial officers provides for a dysfunctional and ineffective union role with key issues badly handled, leading to an apparent dislike of both unions by management.

POSITIVE WORKPLACE CULTURE

- I failed during the interview process to gather any sense of a positive workplace culture existing at RPC.
- Many officers interviewed were aggrieved by either lack of success in senior role appointment or treatment by senior management over out of work incidents with assignment to maximum seen to be used as a punishment tool.
- Officers generally had little or no respect for senior management.
- No team culture existed at RPC and no team building processes were witnessed.
- Staff generally consider that the prison operates purely on their own ability and that each division contributes at various levels of effectiveness with no cohesive interaction and with some openly defying procedures to make a fractured system work in some form.

GENERAL COMMENTS

PAPERWORK

- The prison has an extensive computer network including SMS, CIS and to a degree IOM.
- The site appears to operate on a paper system where all key data and requests including prisoner requests are recorded. The volume of paper appears massive with resulting delays in processing and filing.
- One wonders the benefit of undertaking a study of roles and role effectiveness if qualified correctional officers are engaged in menial paper work when other administration type staff could be engaged to concentrate on such procedures, releasing officers to undertake corrections type roles.

SENIOR MANAGEMENT SYSTEM

- ▶ Throughout the interview process, officers were collectively critical of the SMS, its regular failure and ongoing potential officer safety issues.
- ▶ Officers noted that prisoners from medium knew the failings and were quick to wedge their doors open when the 'cease all non essential movements' advice was radioed.
- ▶ Moving within RPS involves considerable time delays.
- ▶ Officers believe that a non structured day causes the system to overload as no clear day to day instructions are provided as to prisoner movements.
- ▶ Officers also advised that they were invariably thrown into operations to operate the SMS system with little or no training other than what they had received at original training or on the job training when first allocated. Officers felt that they may jeopardise the welfare and safety of their colleagues by not operating the system correctly and or quickly enough.

ANNEX 4.4 MANAGEMENT

- ▶ There is an absence of broad and robust audit and compliance regimes.
- ▶ Management's refusal to devolve decision making to the lowest level causes unnecessary delays and resentment amongst staff and prisoners.
- ▶ A lack of consistency by management undermines respect for the chain of command and adversely impacts on the morale of officers.
- ▶ There is a lack of direct interaction and communication between management and staff. Perceptions of nepotism are rife.
- ▶ The general standards of staff performance and behaviour need to be improved and maintained at a higher level through better management, supervision and regular ongoing training.
- ▶ A small but influential number of officers actively undermine case management and other strategies intended to improve staff and prisoner relations. Managers and unit supervisors failure to effectively deal with those officers undermines the morale and confidence of better performing officers.
- ▶ Management has failed in its responsibility to provide appropriate feedback/support to staff after serious incidents.

ANNEX 4 - INTERVIEW OBSERVATIONS

REHABILITATION/PROGRAMS/EDUCATION

- ▶ There is a high level of disappointment and frustration amongst staff and prisoners at how things have evolved since the occupation of the new RPC. Prior to moving from the old prison they were assured by management that the new accommodation would include plenty of space and facilities for programs, training and employment but very little has actually been delivered.
- ▶ There are far too few meaningful programs, education opportunities, or training opportunities to engage and occupy prisoners time, to correct their offending behavior and to prepare them for their return to the general community.
- ▶ Prisoners and staff frustration at that limited availability has totally undermined their belief and confidence in the IOM system.
- ▶ Prisoners often have to resign from work or get moved to different parts of the prison to be able to engage in programs, education and training. The loss of income and/or change of accommodation are often a disincentive for participation. Prisoners should not be penalised for participating in programs, education and training.
- ▶ Management has to date been unwilling to exploit the broad range of skills possessed by staff who are willing and able to provide constructive trade training to prisoners.
- ▶ There is a distinct lack of mutual respect and cohesion between the activities of custodial and non custodial staff. Several examples were cited of custodial officers directing sarcastic comments to non-uniformed staff in the presence of prisoners and of custodial staff deliberately delaying or impeding non-uniform staff access to prisoners.
- ▶ There is a lack of overt support for educators and education by custodial staff, TPS and Dept of Education.
- ▶ There is a lack of cohesion between the Dept of Justice and the Dept of Education in delivering IT and other education support to TPS. The provision of education IT support to TPS is treated as the lowest priority by the Dept of Justice IT Managers.
- ▶ There are insufficient training room facilities in Risdon Prison.
- ▶ There are not enough educators to cater for the existing need.

CASE MANAGEMENT

- ▶ Most officers with case officer responsibilities expressed frustration and cynicism about the effectiveness of case management. They feel powerless to actually connect prisoners with, or deliver services to, prisoners.
- ▶ In the eyes of most staff and prisoners, the lack of programs, education and training opportunities undermines the credibility of case management as an effective offender management strategy.
- ▶ Many Risdon Prison Officers actively seek to undermine case management because they are too lazy to maintain appropriate case officer notes or they prefer to keep a distance from prisoners.
- ▶ Auditing of case officer files is onerous and poorly focused. More attention is paid to whether notes are correctly filed than the information they contain.

CLASSIFICATION SYSTEM

- Officers lack confidence in the classification system. Most believe that accommodation shortages in maximum security units is a much greater contributing factor to prisoners being reclassified as suitable for medium and minimum security units than the prisoners actual behaviour.
- Inappropriate classification of prisoners causes disruption to the management of the units receiving them.

TRAINING FOR PRISON OFFICERS

- All staff interviewed identified that there is a great need for, and desire to participate in, ongoing staff training in such things as interpersonal relations, negotiation skills, conflict resolution, case management and supervisory duties. No such opportunities exist, nor have they in the past. Many of the officers interviewed have been with TPS for more than 10 years and have never had any such post qualification training.
- Staff want a performance management and appraisal system. Most indicated that they had never participated in any type of formal performance appraisal. They feel that the lack of such a system deprives them of the opportunity to correct aspects of their performance that managers and supervisors might consider to be weaknesses.

BULLYING AND PERSONAL SAFETY

- Bullying was not identified to be a major problem by prisoners or staff. It was generally acknowledged that some bullying did occur from time to time but it was generally limited to verbal abuse or teasing directed at pedophiles and/or the weaker, more immature prisoners. Very few instances of physical assault were cited.
- Some staff complained that they were often openly criticised and/or ridiculed by other officers for being too willing to engage with or assist prisoners.
- Several officers complained that they were regularly subjected to sarcastic comments and/or ostracism from groups because of where they worked. It was apparent that officers in RPC maximum and medium units are generally critical of officers working in other areas of TPS.

HEALTH SERVICES

- Prisoners remarked that they often face a lengthy wait to access medical and/or dental treatment.
- Follow-up consultations appear to be infrequent or non-existent.
- Request forms to see the doctor or dentist often appear to not be acknowledged and prisoners seem to have to submit a number of forms before their concerns are addressed.

FOOD

- The majority of prisoners were satisfied that they received enough food but it was generally felt that the cook/chill method often meant that food was soggy when delivered.

REFERENCES

- ¹Churchill W, House of Commons speech, given as Home Secretary, July 20 1910
- ²Notes of an interview with a prisoner
- ³Notes of an interview with a prisoner
- ⁴Notes of an interview with a prisoner
- ⁵Notes of an interview with a prisoner
- ⁶Notes of an interview with a prisoner
- ⁷Coyle, A. “Managing Prisons in a Time of Change” and Coyle, A “A Human Rights Approach to Prison Management: Handbook for prison staff” International Centre for Prison Studies
- ⁸England and Wales Inspector of Prisons, Expectations
- ⁹The Standard Guidelines for Corrections in Australia, 2004
- ¹⁰International Covenant on Political and Civil Rights
- ¹¹Ministerial Statement, Hon. Nick McKim MP, Minister for Corrections and Consumer Protection, 12 October 2010
- ¹²Risdon Prison Service, Timeline of Incidents; 21 September to 2 October 2010
- ¹³Department of Justice Annual Report 2004-2005 p.44
- ¹⁴Review of hostage/siege situation occurring at Risdon Maximum Security Prison on 7,8&9 Mau 2005. P17
- ¹⁵Ibid. p.25
- ¹⁶Ibid. p.33
- ¹⁷Ibid. p.29
- ¹⁸Ibid. p.4
- ¹⁹Ibid. p.30
- ²⁰Notes of an interview with a prisoner
- ²¹Notes of an interview with a prisoner
- ²²Notes of an interview with a prisoner
- ²³Green Left, “Risdon prison siege symptom of crisis” June 1 2005
- ²⁴Department of Justice Annual Report 2004-2005 p.44
- ²⁵Ibid. p.50
- ²⁶Ombudsman Tasmania – Risdon Prison Complex Tamar Unit and Behaviour Management Program – Investigation Report June 2010 p.17-19
- ²⁷Legislative Council Select Committee, ‘Correctional Services and Sentencing in Tasmania’ p.74
- ²⁸Tennent, S (Coroner), Findings of the Deaths in Custody Inquest, 26 March 2001
- ²⁹Evans, C, A ‘Pink Palace’? Risdon Prison, 1960-2005 p.101
- ³⁰Ibid.
- ³¹Media Release, Hon. Paul Lennon MHA, 28 August 2006
- ³²Ombudsman Tasmania – Risdon Prison Complex Tamar Unit and Behaviour Management Program – Investigation Report June 2010
- ³³Ibid para 18
- ³⁴Ibid para 189-190.
- ³⁵Ibid p.44
- ³⁶Ibid. para 318
- ³⁷Ibid. para 322
- ³⁸Ibid Para 153-154
- ³⁹Coyle, A “Managing Prisons in a Time of Change” p.84
- ⁴⁰Ibid. p.13
- ⁴¹Joplin, Bogue, Campbell, Carey, Clawson, Faust, Florio, Wasson and Woodward “Using an Integrated Model to Implement Evidence-based Practices in Corrections: International Community Corrections Association and American Correctional Association, 2004 p.1

- ⁴²Ibid. p.12
- ⁴³Ibid. p.72
- ⁴⁴Latessa, E “The Challenge of Change: Correctional Programs and Evidence-based Practices” *Criminology and Public Policy* Vol. 3 Number 4, 2004 p.550
- ⁴⁵Coyle, A. “Managing Prisons in a Time of Change” p.78
- ⁴⁶Ibid. p.66-67
- ⁴⁷Birgden, A “Therapeutic Jurisprudence and Responsivity: Finding the Will and Way in Offender Rehabilitation” *Psychology, Crime and Law*, September 2004 Vol 10 (3) p.291
- ⁴⁸Coyle, A “Managing Prisons in a Time of Change” p.78
- ⁴⁹Ibid. p.77-78
- ⁵⁰Ibid. p.78
- ⁵¹Gendreau, P., Goggin, C., & Smith, P. (1999) The forgotten issue in effective correctional treatment: Program implementation. *International Journal of Offender Therapy and Comparative Criminology*, 43, p.180-187
- ⁵²<http://www2.ohchr.org/english/law>
- ⁵³Committee of Inquiry into Prison Escapes and Security, Report. London: HMSO, 1966. (Cmnd 3175) (Mountbatten Report)
- ⁵⁴Home Office 1782-1982, ‘Prisons over Two Centuries, 1982
- ⁵⁵Banks, Mayhew and Sapsford, ‘Absconding from Open Prisons’ Home Office Research Studies, 1975
- ⁵⁶Smith R, ‘The State of the Prisons’, *British Medical Journal* Vol. 287 26 November 1983 p.1616
- ⁵⁷Woolf, Lord Chief Justice (1991) *Prison Disturbances: April 1990* London: HMSO
- ⁵⁸Ibid, para 9.19 and 9.20
- ⁵⁹Evans, CA “Pink Palace”, Risdon Prison, 1960-2004 p.9
- ⁶⁰Ibid. p.61
- ⁶¹Prison Act, No 19 1977
- ⁶²Prison Act, No 19 1977
- ⁶³Evans, CA “Pink Palace”, Risdon Prison, 1960-2004 p.64
- ⁶⁴Ibid. p.32
- ⁶⁵Ibid. p.47
- ⁶⁶Ibid. p.59
- ⁶⁷Ibid. p.78
- ⁶⁸Ibid. p.81
- ⁶⁹Legislative Council Select Committee, *Correctional Services and Sentencing in Tasmania, 1999*; Tennent, S (Coroner), *Findings of the Deaths in Custody Inquest, 26 March 2001*; O’Grady, Jan ‘Report of and Inquiry into Risdon Prison and Forensic Mental Health Services’, Volume , Office of the Ombudsman, June 2011.
- ⁷⁰O’Grady, Jan ‘Report of and Inquiry into Risdon Prison and Forensic Mental Health Services’, Volume 1, Office of the Ombudsman, June 2001. P.118
- ⁷¹Evans, CA “Pink Palace”, Risdon Prison, 1960-2004 p.98
- ⁷²Coyle, A. “Managing Prisons in a Time of Change” and Coyle, A “A Human Rights Approach to Prison Management: Handbook for prison staff” *International Centre for Prison Studies*
- ⁷³UN, *Standard Minimum Rules for the Treatment of Prisoners (1977)* para 58
- ⁷⁴Coyle, A “A Human Rights Approach to Prison Management: Handbook for prison staff” *International Centre for Prison Studies* p.13
- ⁷⁵Ibid. p.18-19
- ⁷⁶Coyle, A. “Managing Prisons in a Time of Change” p.69
- ⁷⁷Ibid
- ⁷⁸Ibid. p.72
- ⁷⁹Ibid. p.73
- ⁸⁰Ibid
- ⁸¹Ibid. p.81

REFERENCES

- ⁸²Birgden, A “Therapeutic Jurisprudence and Responsivity: Finding the Will and the Way in Offender Rehabilitation” *Psychology, Crime and Law*, September 2004 Vol 10 (3) p.291
- ⁸³White, R and Graham, H “Working with Offenders: A Guide to Concepts and Practices” Willan Publishing, 2010 p.61
- ⁸⁴Coyle, A “A Human Rights Approach to Prison Management: Handbook for Prison Staff” International Centre for Prison Studies p.59
- ⁸⁵UN, International Covenant on Civil and Political Rights, Article 10
- ⁸⁶http://www.hreoc.gov.au/letstalkaboutrights/downloads/HRA_prisoners.doc.
- ⁸⁷A, Coyle “Managing Prisons in a time of Change” International Centre for Prison Studies 2002 p.92
- ⁸⁸Ibid. p.93
- ⁸⁹Ibid. p.93
- ⁹⁰Ibid. p.95
- ⁹¹Corrections Regulations 2008
- ⁹²http://wst.tas.gov.au/safety_comply/additional_topics/safety/housekeeping
- ⁹³Notes of an interview with a prison officer
- ⁹⁴*Corrections Regulations 2008*
- ⁹⁵<http://www.justice.gov.uk/inspectors/hmi-prisons/expectations.htm>
- ⁹⁶Guideline 1.28, The Standard Guidelines for Corrections in Australia, 2004
- ⁹⁷Hidden psychiatric morbidity in elderly prisoners, *The British Journal of Psychiatry* (2001) 179: 535-539
- ⁹⁸‘No problems – old and quiet’ : Older prisoners in England and Wales, A thematic review by HM Chief Inspector of Prisons <http://www.justice.co.uk/inspectors/hmi-prisons/docs/hmp-thematic-older-04-rps.pdf>
- ⁹⁹Coyle, A “A Human Rights Approach to Prison Management” 2002, International Centre for Prison Studies p.63-65
- ¹⁰⁰Notes of an interview with a prisoner
- ¹⁰¹Notes of an interview with a TPS custodial officer
- ¹⁰²Ashworth (2000) quoted in Law Reform Institute, Issues Paper No.2 Sentencing, August 2002, Kate Warner
- ¹⁰³The Treatment of Prisoners, Code of Inspection Standards for Adult Custodial Services, Office of the Inspector of Custodial Services, p.51
- ¹⁰⁴Guiding Principles for the Management of Prisoners, Standard Guidelines for Corrections in Australia, 2004 p.10
- ¹⁰⁵Ombudsman Tasmania – Risdon Prison Complex Tamar Unit and Behaviour Management Program – Investigation Report June 2010
- ¹⁰⁶Notes of an interview with a prisoner
- ¹⁰⁷Notes of an interview with a prisoner
- ¹⁰⁸Notes of an interview with a prison psychologist
- ¹⁰⁹Ombudsman Tasmania – Risdon Prison Complex Tamar Unit and Behaviour Management Program – Investigation Report June 2010
- ¹¹⁰Code of Inspection Standards for Adult Custodial Services, Office of the Inspector of Custodial Services, Western Australia p.52
- ¹¹¹Notes of an interview with a prisoner
- ¹¹²Notes of an interview with a prisoner
- ¹¹³Tasmania Prison Service www.justice.tas.gov.au/prisonerservice/iom
- ¹¹⁴Such assessments focus on criminogenic educational needs while a ‘Tier One Assessment’ is undertaken by a custodial staff as a baseline assessment on all prisoner security and welfare needs on entry to the system.
- ¹¹⁵Notes of an interview with a prisoner
- ¹¹⁶Notes of an interview with a interstate prison manager
- ¹¹⁷Notes of an interview with a TPS staff member

- ¹¹⁸Code of Inspection Standards for Adult Custodial Services, Office of the Inspector of Custodial Services, Western Australia, p.90
- ¹¹⁹Ibid standard 137
- ¹²⁰Prison Industries Business Plan 2010-2011, Tasmania Prison Service p.8
- ¹²¹Thematic Review of Offender Health Services, Office of the Inspector of Custodial Services, Western Australia, June 2006, Report 35 p.21
- ¹²²Notes of an interview with a prisoner
- ¹²³Ministerial Statement, Hon. Nick McKim MP, Minister for Corrections and Consumer Protection, 12 October 2010
- ¹²⁴Tennent, S (Coroner), Findings of the Deaths in Custody Inquest, 26 March 2001
- ¹²⁵Wolf, Lord Chief Justice (1991) Prison Disturbances: April 1990 London: HMSO
- ¹²⁶Notes of an interview with a TPS staff member
- ¹²⁷Notes of an interview with a senior prison manager
- ¹²⁸Notes of an interview with a senior prison manager
- ¹²⁹HMRCC Management Plan

