

RISDON PRISON COMPLEX INQUIRY 2011
by Mick Palmer AO APM

RESPONSE TO RECOMMENDATIONS

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.

This recommendation is supported and will be implemented as soon as possible.

RECOMMENDATION 1(b)

And/or

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.

As noted above, recommendation 1(a) is supported.

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.

This recommendation is supported.

Work is already underway to develop a proposal relating to the introduction of a Prison Inspectorate.

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.

Please see responses to recommendations 38 and 39.

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.

This recommendation is supported, subject to funding.

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.

This recommendation is supported.

RECOMMENDATION 6

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

This recommendation is support and has been implemented.

RECOMMENDATION 7

That TPS immediately conduct a training needs analyses.

This recommendation is supported.

The TPS is already progressing the development of a Training Needs Analysis system for use by managers across all TPS facilities, managed and coordinated by the Organisational Development Unit.

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.

This recommendation is supported in principle.

RECOMMENDATION 9

That consideration be given to rostering [REDACTED] 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.

This recommendation is supported in principle, subject to funding.

It is noted that the TPS has just been through an extensive industrial hearing on this matter and the outcome supported the withdrawal of a dedicated TRG presence.

Training in de-escalation techniques is already included in the current operational skills training being delivered to all TPS personnel.

RECOMMENDATION 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.

This recommendation is supported in principle subject to the following comments.

It is noted that segregation currently requires the approval of the Assistant Director of Prisons for accommodation within the Franklin unit for up to 7 days. This may be extended to 14 days by the Director of the TPS. Extensions after 14 days can only be approved by the Director of Corrective Services.

The TPS believes this process is appropriate and should be maintained, but acknowledges that the Operating Model and Standing Operating Procedure for the Franklin Unit require amendment. The development of a new DSO and revision of the SOP and Operating Model will be resource intensive.

A medically qualified person (a CPHS nurse) already attends segregated prisoners daily.

RECOMMENDATION 11

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

This Recommendation is supported in principle

As noted under Recommendation 10, the Director of Corrective Services is already responsible under the current arrangements for extension of segregation beyond 14 days.

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.

This recommendation is supported.

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.

This recommendation is supported.

It is noted, however, that out of cell time can be impacted by staff absences and staff responses to incidents.

RECOMMENDATION 14

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

This recommendation is supported in principle.

It is noted that the Operating Models have daily routines detailing lock and unlock procedures specific to each unit. It is proposed that a DSO be developed providing directions on lock and unlock procedures contained within each Operating Model which would meet the objective of the recommendation and mitigate the otherwise significant resource implications. The TPS has identified this as a priority DSO. As an interim measure, this issue will be reinforced with supervisors and managers.

RECOMMENDATION 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.

This recommendation is supported and will be implemented.

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).

This recommendation is supported and implementation is already underway.

RECOMMENDATION 17

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

- a. _____
- b. _____
- c. _____
- d. _____
- 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. _____
- 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.

These recommendations are supported and implementation is already underway. It is acknowledged these issues are TPS priorities and need to be addressed.

There will be costs associated with the implementation of parts of this recommendation which will require funding.

A Correctional Manager has already been allocated the task of managing implementation of this recommendation.

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. _____
- i. _____
- j. Introduce into all operational areas bound logs and registers with numbered pages.

This recommendation is supported but parts of the recommendation have considerable budgetary, personnel and operational implications.

It is noted that an Incident Management System is in place but it is acknowledged that correctional officers would benefit from a better appreciation and the delivery of ongoing training to supervisors and management would be preferred.

RECOMMENDATION 19

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

This recommendation is supported but other infrastructure requirement are considered to be higher priorities.

It is noted that plans already exist for such a development.

The inclusion of a geriatric unit will be considered further in future stages of the Prison Infrastructure Redevelopment Project.

RECOMMENDATION 20

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

This recommendation is supported and work is underway.

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 intent of this recommendation is supported.

Rotation is currently 6 months. However, every month two officers transfer into Tamar and two exit. Some short term staff also undertake general duties within the Tamar Unit.

Rotation of staff from the Tamar Unit helps prevent officer fatigue. Recent consultation with staff reflects a strong desire to rotate through all units and additional consultation with staff and unions will be required.

RECOMMENDATION 22

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

This recommendation is supported and has been implemented in line with the Government's response to the Ombudsman's report.

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.

This recommendation is supported and will be implemented.

It is noted that supervisors already attend each unit during the course of the day. Weekly parades will be implemented and the outcomes recorded.

RECOMMENATION 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.

This recommendation is supported and will be implemented.

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.

This recommendation is supported and will be implemented in conjunction with recommendations 5 (joint management/staff/union workshops) and recommendation 16 (scheduled routine and structured meetings).

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.

This recommendation is supported.

It is noted, however, that there will be an impact on resources and a significant amount of work will be required.

The TPS believes effective implementation of the recommendation will require introduction across the entire TPS, not just the RPC.

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.

This recommendation is supported subject to negotiations with staff.

RECOMMENDATION 28

That program and education capacity be increased to enable the delivery of short-term programs to remand prisoners.

This recommendation is supported. However, it is noted that additional funding would be required.

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.

TPS supports this recommendation subject to budgetary constraints and availability of custodial FTE's

RECOMMENDATION 30

That a review of staffing be made with a view to determining the number of additional educators to be recruited.

The TPS supports this recommendation subject to budgetary constraints and availability of personnel to conduct the review.

This issue will be pursued further in consultation with the Department of Education.

RECOMMENDATION 31

That Government review its prohibition on apprenticeships and traineeships for prisoners as a matter of urgency.

This recommendation is supported.

Work has been underway on addressing this issue in consultation with the Education Department.

RECOMMENDATION 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.

This recommendation is supported.

The Department will pursue this recommendation in consultation with Workplace Standards Tasmania.

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.

This recommendation is supported.

Implementation of this recommendation would obviously require significant funding as prison industries at present are fully self-funded.

The Department of Justice will continue to pursue this issue and prepare a proposal for further consideration.

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.

This recommendation is supported and will be considered further as part of Stage D of the Prison Infrastructure Redevelopment Project.

RECOMMENDATION 35

That TPS invite the Wilfred Lopes Centre to help develop a regime for managing challenging behaviours.

This recommendation is supported.

Discussions are already under way with the Wilfred Lopes Centre.

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.

This recommendation is not supported in its current form.

Meals are subject to a rigorous quality assurance processes as stipulated by relevant health standards.

The Ombudsman's Office and the Official Visitor have not identified this as an issue.

Meals are discarded before reaching any use by dates.

The principles for the recommendation are incorporated in other activities and recommendations.

There is also a prisoner food complaint mechanism that prisoners are able to access and there is a rigorous quality assurance program in place.

The issue of meals will be included on the agenda for the management prisoner representative meetings (recommendation 6).

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.

This recommendation is supported.

It is noted that the Minister for Human Services recently announced the Salvation Army would operate a new statewide supported tenancy service for people exiting the justice system commencing 1 July 2011.

The service will provide six to 12 months support for each individual client, with 16 dedicated properties.

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 in the original estimated capital cost of the total Stage D Part 1 development of \$48.375million.

Please see response to recommendation 39.

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: 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.

This recommendation is supported.

The Government has already agreed to bring forward capital funding from future years for PIRP Stage D.

In relation to the priorities listed, these are generally in accordance with the Department's priorities.