

# Western Australian Ombudsman's report highlights deteriorating prison conditions

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A recent report by the Western Australian Ombudsman Murray Allen has catalogued sharp increases in deaths and suicides in the state's prison system, as well as the degrading conditions for the growing number of prisoners.

Allen's report shows that 47 prisoners, including Aborigines, have committed suicide and 23 have died of "natural causes" in WA prisons since the federal government's Royal Commission into Aboriginal Deaths in Custody issued its final report in 1991.

The federal inquiry was supposedly launched to determine why so many people were dying in prisons and to prevent future deaths. But the deaths have only increased. Between 1982 and 1999, 787 people died in Australian prisons, 126 of whom were Aboriginal. In WA, in the same time period, 99 prisoners died, including 28 Aborigines. Of these 99 deaths, 70 occurred after 1991.

Faced with growing public disquiet, Allen initiated an "own motion" investigation in 1998 citing his concern that "the disturbing upward trend of prison deaths" would continue. "Increasingly, the subject is being discussed in frank terms in the community," he wrote.

Among the findings in his report, Allen pointed to chronic over-crowding, a lack of basic medical supplies and substandard physical and psychological health care. The state's 15 prisons are currently running at 113.22 percent capacity, whereas the Australian Institute of Criminology and the Council of Europe recommend a maximum operating capacity of 85-95 percent. In 1991, WA's jails held 1,726 prisoners, rising to 2,205 in 1995 and 3,048 in 1999.

According to the Australian Medical Association's conclusions, cited by Allen, the state of prisoners' health is "appalling". A 1998 AMA report found that 60-83 percent of inmates had an alcohol and/or drug problem. An estimated 33-66 percent were Hepatitis C carriers and 34-46 percent had been exposed to Hepatitis B. Despite these problems, WA's prisons have no special detoxification facilities.

Allen estimates that the 2000-01 funding for prison health services represents just 8.87 percent of the prison service

budget, and has declined markedly in real terms since 1997-98. While the Ombudsman gives little information on health services and other funding, due to inexplicably missing reports, there is no doubt that overall funding is stagnating or declining, despite the rising prison population.

Psychiatric services are poor, with most prisons receiving only 3.5 to 7 hours of service a week. One prison, Riverbank, has no service whatsoever. Even where staff exist, they complain of a lack of basic materials to carry out their duties. In his report, Allen argues that prison health services should reflect the standards in wider society. But the intolerable conditions inside mirror the situation that is developing outside. Annual funding for separate psychiatric facilities in WA, for example, declined by \$6.3 million between 1992-93 and 1997-98.

Nationwide, the Australian Institute of Health and Welfare has documented a steady decline in the number of psychiatric beds since the 1960s. Australia's age-standardised mortality rate for mental disorders is 14 per 100,000, but there are only 0.3 beds in psychiatric hospitals per 1,000 people. These statistics indicate that people suffering mental health problems are simply not receiving the attention they need, with many of them winding up in prisons as a result. A former senior prison administrator admitted: "Prisons have become a dumping ground for seriously disturbed men and women who have long histories of disturbed behaviour, admission to psychiatric facilities and attempted self harm."

A growing proportion of WA prison services, including the state's newest jail, has been contracted out to private companies. Allen suggests that the Justice Ministry itself should be taken over by an "independent organisation". This could lead to an accelerated shift toward privatisation, resulting in more prisons and prison services being operated for profit, and a further cut in expenditure on medical treatment for prisoners.

It is well known that many of the psychiatric and physical problems experienced by prisoners arise before they are incarcerated, and then become more acute in detention.

These problems are social in origin, almost always related to poverty, lack of education and unemployment.

The Ombudsman's report, however, isolates prison conditions from this social context, arguing that simply providing more staff, police and other resources can resolve the crisis.

But his own statistics show that 28.9 percent of WA's prisoners (880 inmates) are indigenous people who have less than three years secondary education. Another 45 percent (1,372 inmates) are non-indigenous prisoners with less than three years secondary education. Thus, altogether, more than 70 percent of the state's prisoners have not completed the basic years of high school. Moreover, many enter prison at a young age—31.5 percent are under the age of 25.

Aborigines are incarcerated in WA at the highest rate in the country. The Australian Bureau of Statistics estimates that the state's indigenous incarceration rate is 22 times higher than for non-Aborigines. A similar disparity exists nationally, although not to the same degree. This damning imbalance is also clearly related to social inequality. Australia-wide, Aboriginal people have an average income of just \$14,000. Among Aboriginal youth aged 15-19 the jobless rate is 50 percent; for 20-24 year olds, it is 46 percent.

Aboriginal access to education is also poor. Few services were provided until the late 1960s, and even then mostly on government reserves. Even in 1997, some 28 years after the first Commonwealth education programs for Aborigines were established, only 7,460 Aboriginal students were enrolled in higher education.

The Ombudsman refused to specifically investigate Aboriginal deaths in custody, arguing that prison conditions affect both black and white inmates. While this is certainly true, it is also indisputable that Aborigines, who constitute the most oppressed section of the working class, suffer disproportionately higher mortality rates in WA's jails. Allen also refused to examine one of the major new factors in the rising incarceration rate that particularly discriminates against Aboriginal youth—the introduction of mandatory imprisonment.

Mandatory sentencing for property and other offences was introduced in WA in November 1996 and in the Northern Territory in March 1997. Despite the claims of “law and order” advocates and governments, there is no evidence that crime rates have fallen as a result.

Instead, the imprisonment rate has sharply increased, particularly among Aboriginal youth. In 1997, the WA detention rate for young (10-17 years old) Aborigines was 649.2 per 100,000, rising to 758.8 in 1998, while the national rate fell slightly. For the Northern Territory over the same period, the rate rose from 209.5 to 216.1. (The NT

statistics are believed to underestimate the number of Aboriginal youth serving shorter 28-day mandatory sentences.)

Other statistics show that in WA, the total number of juveniles sentenced to detention for offences covered by mandatory sentencing increased by 53 percent in 1997-98. Most appear to be Aboriginal. Between February 1997 and May 1998, 80 percent of mandatory detention cases heard in the Children's Court involved Aboriginal youth. Oxfam estimates that at least 66 people are serving 12-month terms under mandatory sentencing laws.

Reports issued by Oxfam and the Aboriginal and Torres Strait Islander Commission (ATSIC) give some idea of the petty nature of the crimes for which people are being incarcerated. One Aboriginal mother was jailed for 14 days for stealing a \$2.50 can of beer. An 18-year-old was sent to prison for 90 days for stealing 90 cents from a motor vehicle. In other cases examined, a 15-year-old boy tried to commit suicide after being jailed for breaking a window when he heard his friend had committed suicide, and a 17-year-old boy faced imprisonment in an adult jail for unlawful entry into a shop. The 17-year-old had a history of substance abuse, had such poor literacy skills that he could not complete welfare benefit forms and had been in crisis accommodation since he was 14.

The crimes covered by mandatory sentencing are those most commonly committed by socially disadvantaged people. More serious crimes such as fraud, typically perpetrated by wealthier layers, are excluded.

Nearly a decade after the release of the Aboriginal Deaths in Custody report, all the evidence points to a deepening crisis in Western Australian jails, as education, health and employment conditions worsen for the most socially-disadvantaged, working class Aboriginal and non-Aboriginal people alike.

Allen's recommendations for increased prison funding and improved prison organisation, even if implemented, will create no significant improvement in the situation. This is because they fail to address the perspective underlying current prison conditions and the increasing number of deaths and suicides in custody. As living standards fall and social tensions escalate, governments throughout the country are moving, not to alleviate social distress, but to punish and suppress the victims, building more jails, imposing stiffer penalties and establishing harsher prison regimes.



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