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Detention Centre Inspections Report- Tafaigata Prison



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1. Executive Summary

1.1 Authority to Visit and Inspect

The National Human Rights Institution (the “Office”), pursuant to s. 33(e) of the *Ombudsman (Komesina o Sulufaiga) Act 2013* and s. 24 of the *Prisons and Corrections Act 2013*, has the mandate to visit and inspect all places of voluntary and involuntary confinement or detention. The Office carried out its first inspections in January 2015 and produced its first Inspections Report in June 2015. The report looked into all places of confinement which included Tafaigata Prison, Vaiaata Prison, Olomanu Juvenile Centre, Mental Health Treatment Centre and Police custodies.

1.2 The Visits and Inspections

The second inspections was carried out on the 12th, 19th, 20th and 25th of November 2015 at Tafaigata Prison by a team from the Office consisting of the Deputy Ombudsman- Maualaivao Pepe Seiuli, Loukinikini Vili, Ieti Seiuli, Ash Bowe and Chris Rummery (the “Inspections Team”). Prior to the visit a request was sent to the Prisons and Corrections Services (the “PCS”) requesting relevant documentations to assist the Inspections Team prior to the visit. The Inspections Team inspected the facilities including the male and female prisons and consulted with the Commissioner of PCS, Assistant Commissioner, 7 correction officers (including officers in charge of the Male and Female prisons), randomly selected prisoners, 4 matais’ and 4 escaped prisoners. A copy of the draft report was provided to the PCS for their information and comments. The Office received comments from PCS and is duly noted where relevant and applicable in this report. Attached to this report as **Annex A** a copy of PCS’s comments together with the Office’s response to PCS’s comments.

1.3 Scope of the Report

This report looks into Tafaigata Prison only. The two main focuses are to (i) follow up on issues from the last Inspections Report and (ii) look into the issue of escaped prisoners. The other places of detention will be visited and inspected separately on later dates.

1.4 Summary of Findings

It has been over a year since the separation of Prisons from the Ministry of Police. The Office commends the PCS for the work they have done thus far to put the prisons on its own feet despite the lack of financial resources and especially human resources. The PCS is barely managing to ensure security within the prisons due to shortage in staff. It is fortunate in these circumstances that prisoners and officers have an effective functional relationship in the “matai system” for order and discipline within the prison. The matai system continues to be helpful to PCS and its work: counseling prisoners, overseeing prisoners during plantation work, relaying prisoner’s issues and complaints to PCS. There seems little doubt that if it wasn’t for the matai system the general situation and outcomes including escapes would be a lot worse than they have been.

The PCS have been innovative in dealing with situations that were beyond the capacity of their resources to handle. On the day of the visit, a pregnant prisoner was found to have been released to her family for 4 months due to pregnancy complications. Also, an adult male prisoner had to be released to his family for his remaining time due to a diagnosis of fecal incontinence. The PCS has moved the medical centre to a bigger separate building and have entered into an arrangement with National Health Services whereby nurses (and doctors) visit the prison three (3) times a week to attend to sick prisoners. This helps reduce the risk of prisoners escaping at the hospital. A new pipe connection has been installed which has provided some improvement to the water supply. However, more needs to be done to adequately supply prisoners with water. The PCS has been fortunate to have temporary assistance from the Ministry of Police (the “MoP”) and New Zealand Corrections

Department to help them through the initial separation from Samoa Police. This assistance will be discussed later in the report.

Despite these improvements, PCS still has a long way to go to be compliant with recognized standards in the treatment of prisoners. The condition of prisoner accommodation remains the same since the last inspections. Hygiene is still an issue: cells are dirty and smelly, toilets and showers are broken, the kitchen is dirty with the ceiling about to collapse. It was noticed by the Inspections Team that there was still heavy infestation of rats and cockroaches. Substandard hygiene in the prison is of real concern because of its potential impact on the health and well being of the whole prison population. The cells are still overcrowded and the number of prisoners continues to increase. The classification system is yet to be implemented because there are no facilities into which to separate prisoners. The Office is very concerned that young prisoners and young persons in custodies (“persons in custodies or persons awaiting trial” shall be referred to hereinafter as “untried prisoners”) are still kept together with adult prisoners. A young male prisoner was housed together with adult male prisoners before he was separated into one of the punishment cells due to sexual violation acts by adult male prisoner(s). The PCS have advised that they have referred these sexual incidents to Police for further investigation. The young prisoner concerned had to be transferred from the Juvenile Detention Centre for his own safety and security. It was necessary to separate him from others, juvenile or adult. There was just no appropriate cell for him at Tafaigata prison so he was placed and remains to this day in a punishment cell. This is a very serious and worrying situation. The quality and quantity of prison food remain major issues. There were complaints and expressed curiosity from prisoners with reference to the proceeds from plantations and gardens sales. There is still inadequate access to regular clean water for drinking and showering.

Prisoners raised new issues during the visit. Firstly, was the confidentiality of the complaints system. Prisoners believed that their complaints were not reaching the appropriate personnel to deal with their matters because of the lack of confidentiality. Secondly, there was an alleged beating of a female prisoner by female officers in the female prison. The issue is being investigated by PCS. Another female prisoner was reported detained in the male punishment cell for a couple of hours. According to PCS, it was a last resort call for the security and peace of the female prisoners. Prisoners raised the matter of prisoner freedom not to sing in the prison choir. The PCS advised that the prisoners have the freedom to choose whether or not to sing. There was concern also by the prisoners with regards to limitation on visitation in that children are no longer allowed in the prison. According to PCS, the limitation is imposed for reasons of child protection because they are often left unattended to wonder around in the facility unsupervised. Prisoners were concerned about recent changes in week-end parole requiring prisoners to serve half of their sentences before they can be considered for week-end parole. PCS advised that this in fact is the policy that was approved long ago by Cabinet and the one that should be enforced. Since the inspections and consultations here reported the PCS has changed practice once again as recently reported in the media. Three prisoners on 15 year sentences were allowed on week-end parole after serving barely a year of their sentences. PCS explained to the media that week-end approval was grounded on good conduct and rehabilitative reasons.

An important issue was the fact of recent publicized frequent escapes by prisoners. This had caused alarm within the community as prisoners were reported to have committed very serious crimes while out. The Inspections Team was given a number of reasons for escapes: lack of proper fencing around the facility; change in week-end parole policy; prisoners are impatient waiting to be released; there is no more fear of punishment if a prisoner escapes; no more fear of being kept in the dreadful inhumane cell (no longer in use) and prisoner need to replenish toiletries/clothes.

The PCS is working closely with matais to resolve these issues. The PCS can only do so much with the resources they have. There needs to be more financial and human resources allocated to the PCS in order for PCS to effectively secure the prison. While the Office understands government focus to be on the building of the new prison facility, it must not in effect be tantamount to total disregard of the current prison and its pressing problems. There is urgent need for a block of appropriate cells to

house individuals who are seen, for security or other special reasons, to require greater surveillance and stricter confinement in cell accommodation different from those provided for the general prison population. The authorities have long relied heavily on the matai system within the prison to maintain order and security. The PCS needs to be given more resources so that they, in conjunction with the matai system can work to ensure Tafaigata prison retains and builds on its unique way of effective inmate management which if allowed to degenerate away would need to be replaced by new, possibly very difficult to set up and very expensive, strategies of prisoner management and containment.

2. Standards (Treatment of prisoners and untried prisoners)

- *Prisons and Corrections Services Act 2013*
- *Prisons and Corrections Regulation 2014*
- The Standard Minimum Rules for the Treatment of Prisoners adopted in Geneva in 1955 (the “Minimum Rules”)
- Convention on the Rights of the Child
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice 29 Nov 1985(“The Beijing Rules”)

3. Follow up from the last Inspections Report

It has been a year since the separation of Prisons from the MoP. The separation has not been easy and part of the reason for this is the lack of resources and shortages in staff. To assist with the separation, the PCS and MoP entered into a Memorandum of Understanding (MOU) for MoP to lend assistance temporarily for three (3) months. The MOU has been extended because help was still needed by the PCS to ensure the security of the prison. The PCS however has worked hard ever since the separation to ensure that the PCS is up and running as mandated under its legislation, the *Prisons and Corrections Act 2013*. The New Zealand Department of Corrections has also entered into a programme with PCS to help PCS with the separation. The assistance by the New Zealand Department of Corrections will be discussed in more detail later in this report.

In the last Inspections Report, we identified many issues that affected not only the prisoners but also the staff and administration. The issues ranged from the condition of the facility (hygiene & overcrowding), lack of a classification system, access to water and food, access to medical health care, access to rehabilitation and educational programs, capacity of staff & access to proper training, and availability of good record keeping. This part of the report will follow up on these issues.

3.1 Accommodation (Facility) and Prisoners

3.1.1 Matai System

As reported in the last Inspections Report, the Matai System within the prison replicates the indigenous traditional Fa'amatai system which has governed Samoa for centuries and revolves around the governance of family leaders known as the “Matai” (or chief) whose duties are to care for the family and control, maintain and preserve village lands and resources. This mechanism has been in place for a very long time and is unique to Samoa. The *Prisons and Corrections Act 2013* at s.3 provides guiding principles which require PCS when carrying out its duties and functions, to ensure that the Samoan culture and traditions are also applied in the management of the prisons. The PCS where applicable in the management of the prison, endeavour to apply culture and traditions. The matai system is a great example of this.

In each cell, a prisoner is chosen as a matai by the PCS based on how long he/she has served his/her sentence and good behaviour. The matai is given the responsibilities of counselling the prisoners, ensuring things in and outside of the cells run smoothly, raise prisoner issues with the PCS and vice

versa. The matai meets twice a week with senior officers and sometimes with the Commissioner and Assistant Commissioner on serious matters. This not only helps with keeping the prisoners up to date with new policies, complaints etc, but also keeps the PCS informed and up to date with any issues of concern to the prisoners. According to PCS, they are appreciative of the matai system because it has contributed greatly to the operation and management of the prison. This is especially helpful at this time of extremely serious staff shortages. The recruitment of new officers is still in progress and some officers are suspended while pending disciplinary investigations. Currently the ratio of officers to prisoners is 60 to 495 (inclusive of untried prisoners). At any given time officers on duty would be roughly around 10 officers to 495. In the circumstances the matai system is relied upon by the PCS to assist the officers to control and secure prisoners both inside and outside of the cells. The prisoners themselves are aware of this and share the same concern about shortages in staff. Although a lot of the prisoners believe the matai system is a good system which assists in keeping order within the prison, there are a minority of prisoners who believe that “prisoners should be prisoners and officers should be officers”.

3.1.2 Water and Food

Water and food are still major issues. There is a lack of variety and quantity of food. They receive mostly tin fish for lunch or dinner. This does not accord with the Minimum Rules which provides that prisoners must be provided with nutritional food adequate for their health and strength.¹ However, according to PCS, tin fish (and chicken) is the only food they can afford with the budget that they receive from the Government. The other reason is that the PCS’s budget provided by Government does not provide funds for food for untried prisoners. The untried prisoners according to PCS are not a part of the PCS’s mandate, but because they get delivered to the Prison by the Police after they have been charged or referred from Court to await a hearing date, the PCS have no choice but to feed them. As such the untried prisoners, which most of the times are large in numbers² share the prisoners’ food.

The male and female prisoners work the plantation and vegetable gardens. The produce is either sold, gifted to the Pastor/Faifeau for doing church service every Sunday or is used for the prisoner’s food. The male prisoners also cultivate a pig sty while the female cultivate a chicken pen. The Investigations Team came across conflicting reports about the state of the plantations and the proceeds from the sale from the plantations and gardens. On the one hand, prisoners (especially the women), claim that they work the plantation and the vegetable gardens and do not receive any of the profits from the sale of the produce. The female prisoners claim they have never seen any rewards from maintaining the garden. As such, they claim to have stopped working on the garden as they believe the officers are profiting from their hard work. They are also not allowed to eat the produce. The PCS claim that prisoners are allowed to access the produce from the garden and plantation; it’s just that prisoners are not accessing the profits. The produce from the vegetable gardens and plantation are sold and the profit received is deposited into the prisoners development account. The authorisation of the PCS Accountant and Commissioner is required to withdraw money. The money is used to purchase equipments for gardening and plantation, uniforms for the choir and other things that they need that is not provided for by the budget. It is a generally accepted practice in the treatment of prisoners to facilitate systems of equitable remuneration for the work of prisoners. Where prisoners perform valuable work that enters the open market they should be afforded small compensation for their labour. Under such systems prisoners could be allowed to spend a part of their limited earnings on approved articles for their own use and to send a part of their earnings to their family. The system could also provide for part of their earnings to be set aside by the PCS as a savings fund to be handed over to the prisoner on his/her release.³

¹ Minimum Rules, 20 (1).

² There were 50 custodies in total on the day of the visit.

³ Minimum Rules, 76.

There have been some improvements in the water supply, but this is still below the requirements of generally accepted Minimum Rules which provide that drinking water should be available to every prisoner whenever he/she needs it. Since the last Inspections Report, the PCS have been working together with the Samoa Water Authority to identify and resolve the issue of the water shortage. It has since been discovered that the water pipe from Falelauniu village to Tafaigata is blocked from time to time by the people of Falelauniu, or they divert the water away from the Prison to meet their own needs. A new water connection was installed in July 2015 which has improved supply. The Inspections Team noted that prisoners are very often supplied by water bottles/buckets brought to the cells by fellow prisoners due to the lack of running water in the cells. This water is brought from water storage tanks. There were many complaints by the prisoners that the tanks were unclean and thus is the source of water-based illnesses, or that their pumps were not working and therefore water would not flow to the cells. The PCS must carry out regular inspections and cleaning of water tanks.

Recommendations:

1. The Government should ensure that PCS and Samoa Water Authority work together to ensure adequate water supply in the prison.
2. The PCS should prioritise using the produce from the vegetable gardens; plantation and animal farms are used primarily to feed the prisoners.
3. The PCS should produce quarterly statements about the expenditure and revenue gained from the sale of produce from the Prison. These statements should be widely distributed to the prisoner population.
4. The Government should allocate sufficient budgetary resources to feed the whole prison population, including those in the custody cells.

3.1.3 Hygiene and Good Health

Hygiene is still an issue for the men's prison. The cells (mainly the custody cells, prison cells and worse the special/punishment cells) are dirty and are very smelly from the lack of proper air ventilation and nearby septic tanks; the toilets and showers are dirty, broken down and are not considered "adequate" shower facilities which enable a prisoner to bath and shower as frequently as general hygiene requires.⁴ Prisoners are required to be kept clean and they must be provided with water and with necessary toiletries for health and cleanliness.⁵ However, it was noticed that buckets are still used to draw water from big barrels of water for bathing and to flush the toilets. Dishes are washed in the shower area and stored in the overcrowded cell amongst prisoners' other belongings such as food, clothes, water, beddings etc.



Picture 3.1.3-1 Bottle of water used for the toilet (female prison)



Picture 3.1.3-2 Septic Tanks (male prison)

⁴ Minimum Rules, 13

⁵ Minimum Rules, 15

Untried prisoners are presumed to be innocent until proven guilty and should be treated as such. However, it was observed that untried prisoners were kept in cells that were in worse conditions than the cells detain convicted prisoners. It should be borne in mind however with regard to lacks and serious shortcomings in facilities highlighted in this report that the PCS is working on building a new prison facility.

In response to complaints from male prisoners about the smelly, septic tanks at night, The PCS have arranged for the septic tanks to be pumped at least every second week.

The kitchen appears to be on the verge of collapse. The roof has many holes in it and the structure itself is supported by make-shift beams that have been made and erected by the Prisoners themselves. It is important to note here that the kitchen is simply a very large version of a typical Samoan rural cook house ('umukuka') which is naturally viewed by many as an acceptable kitchen facility. More worryingly is the sighting by the Investigations Team of rats running around freely in the kitchen.. The Pig-pen is located within a few metres of the open fire stove. The concern here is not only the unhygienic state of the building but also the safety of the prisoner cooking inside the building. The PCS told the Investigations Team that they are obtaining quotes to upgrade the kitchen. The issue of rats and cockroaches infestation still exist in the facilities. The prisoners reported that the food supplies that they receive sometimes are half eaten by rats. The PCS are aware of this and they are looking into renovating their storage room.



Picture 3.1.3-3 Kitchen (male prison)

The Minimum Rules require prison facilities regularly used by the prisoners to be properly maintained and kept clean at all times.⁶ The issue of poor hygiene will continue to exist unless measures are taken now. Unless appropriate renovations are made now the issue of poor hygiene will continue to exist. Progress in the design of the new facility is apparently on hold. It is not clear at the moment when the work will resume. The Fire and Emergency Services Authority (the "FESA") used to lend assistance to the PCS by using their hosepipe to water blast clean the cells. The prisoners feel that this is a good arrangement because it not only cleans the cells but it is also an opportunity to air out the cells. The dust and dirt that build up and solidify as a matter of course is a risk to the health of the prisoners.

Since the last Inspections Report, PCS have worked hard to improve the medical health care services. They have allocated a bigger and separate building for the medical centre. The nurse (a prisoner) that used to look after the medical centre is no longer so assigned. The PCS instead have entered into arrangements with the National Health Services (the "NHS") whereby NHS assists PCS three (3) times a week at the facility. Clinic referrals are on Tuesdays and Wednesdays and a doctor visits on Fridays. Serious cases are referred to the hospital for further treatments. Emergencies are referred straight to the hospital. There are also arrangements where NHS makes a doctor available on the spot for high risk cases e.g mental illness cases. A week before the inspection, NHS carried out a full screening of all the prisoners and one prisoner was detected to have Tuberculosis. The PCS stated that they do not have proper facilities to cater for this type of situation. So they used an open fale Samoa which is isolated from the prison cells to isolate the affected prisoner. He was isolated for two (2) days and is now recovered.

⁶ Minimum Rules, 14

The PCS are also seeking to up-skill their employees, evidenced when the NHS trained fifteen (15) officers in first aid by volunteers. The induction process where prisoners have medical checks prior to entering prison is in progress.

Recommendations:

5. The PCS should renovate the kitchen and storage room.
6. The PCS should engage FESA to water blast the cells at least 3 times a year.

3.1.4 Overcrowding and Classification/Separation of prisoners

The issue of overcrowding is still evident since the last Inspections Report, and in fact, has become worse in the men's prison. On the day of the inspection there were a total of 495 prisoners including untried prisoners: 32 females; 50 untried prisoners and 473 prisoners. Prisoners per cell still range from 25-30 per cell which is series overcrowding. The existing conditions are not in accordance with generally accepted practice in the treatment of prisoners and untried prisoners. The accommodation should have enough floor space, sufficient lighting, air and ventilation. Also prisoners occupying the cells must be carefully selected as being suitable to be housed together in those conditions.⁷

The Office understands that nothing much can be done about this issue until the new prison facility is established. For now PCS will have to make do with the current facility. The PCS is working on ways to help temporarily resolve problems. They are working together with the Office of the Attorney General and the Ministry of Justice and Courts Administration to look into ways to reduce the number of untried prisoners. The PCS is also looking to work with churches to release into their care prisoners that are nearing the end of their sentences. The PCS believes that this will also assist with rehabilitation and reintegration of prisoners into society.

The Classification System is provided in the *Prisons and Corrections Regulations* but is yet to be enforced. This issue of classification of prisoners and untried prisoners is still a concern given that juveniles are kept in the same cells as adults. This is particularly concerning given the variety seriousness of offences such as rape, manslaughter, or incest committed by prisoners who could easily end up in close proximity to young prisoners. When the Investigations Team went through the PCS Custody Book 2015, a large number of juveniles between the ages of 14 and 17 have been kept in custody cells with adults for periods up to two (2) months.⁸ Also there was a 16 year old male prisoner, now kept separately, that used to be kept together with adult male prisoners. This is not in compliance with the Minimum Rules and Beijing Rules which provide that young prisoners must be kept separately from adults.⁹ Also detention of young untried prisoners before trial must be avoided to the extent possible and limited to exceptional circumstances. However if detention cannot be avoided, Courts and Investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of detention.¹⁰

The current classification system classifies prisoners into max/high level risk (special/punishment cells (14 & 15)), medium level risk (other cells) and low level risk (open houses). What appears to be satisfactory and workable in the circumstances of PCS is not generally accepted as good international practice in the treatment of prisoners. According to the Minimum Rules, different categories of prisoners shall be kept in separate parts of institutions taking into account their sex, age, criminal record, the legal reason for their detention. For instance, young prisoners shall be kept separate from adults and civil prisoners shall be kept separate from persons imprisoned for a criminal offence.¹¹

⁷ Minimum Rules, 9(2), 10

⁸ PCS Custody Book 2015

⁹ The Beijing Rules, 29

¹⁰ The Beijing Rules, 17

¹¹ Minimum Rules, 8 (b, c, d), 67; The Beijing Rules 13.4

According to PCS, it is difficult at the moment to implement such a classification system because there are no proper facilities and there is a distinct lack of recourses. Unless the new prison building is established this issue will continue to exist.

Recommendation

7. The PCS should always detain young prisoners (including untried prisoners) and adult prisoners (including untried prisoners) in separate cells.
8. The Government in conjunction with PCS and relevant stakeholders should fast track the construction of the new prison facility.

3.1.5 Rehabilitation and Educational programmes

At the moment, male prisoners are involved in working the plantation, vegetable garden, and cultivating a pig sty and the women are involved in weaving, gardening and cultivating a chicken pen. The work is carried out in the morning and the rest of the day is either spent in choir practice, spiritual guidance by the Fortress of Faith or free time. Prisoners used to be involved with more vocational activities such as carpentry and printing work. These activities no longer operate due to financial problems. It is the view of the Office that there is not enough rehabilitation and educational activities for the prisoners. According to the Minimum Rules, there should be further education of all prisoners. This is actually compulsory for young prisoners. Recreational and cultural activities must be provided for the benefit of the mental and physical health of prisoners.¹² The PCS reported that a Director of Development has been recruited and has since prepared rehabilitation and educational programmes for the prisoners. The PCS must keep in mind that the organization and methods of work in the prison must resemble as closely as possible those of similar work outside the prison so as to prepare prisoners for the normal occupational life and ability to earn an honest living after release.¹³ The Investigations Team note that rehabilitation, educational and vocational activities programs will be rolled out from February 2016 (Attached as **Annex B** is a copy of the programs). According to PCS Government Ministries and NGO's will assist PCS in implementing these programs to ensure that prisoners transition well when return back to the community.

Recommendation:

9. The PCS should implement rehabilitation, educational and vocational activities for prisoners as planned. This should be compulsory for young prisoners.

3.2 Staff and Administration

3.2.1 Staff and Training

A shortage in staff is still one of the biggest issues faced by PCS. This is of great concern because there are not enough officers to carry out administrative work let alone guard and secure the premises and prisoners. Since the separation, PCS has recruited new staff. On the day of the visit there were a around 10 officers on duty and a total of 50-60 officers on the staff roll. This includes a couple of officers who are suspended while awaiting disciplinary investigations.

While this may seem like there are enough officers to effectively run Tafaigata Prison, the ratio is 60 officers to 495 prisoners (inclusive of untried prisoners). When the Inspections Team visited the prison, there were only five (5) guards manning the whole male populations. Often only one (1) guard would be in charge of a group (20+) of male prisoners on plantation detail. Given that many of the

¹² Minimum Rules, 77 (1), 78.

¹³ Minimum Rules, 72(1), 71 (4).

prisoners are often wielding machetes and knives for the work on the plantation, the unarmed guards are in an impossible situation in the point of view of security. According to PCS, they need thirty (30) more officers in order to effectively maintain law and order in the prison and to prevent prisoners from escaping. It is important to note here that according to the Minimum Rules, the prison administration must provide for a careful selection of every grade of officers, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends.¹⁴ The issue of shortage of staff is appalling that even prisoners acknowledge the situation and show great concern.

Despite the shortage in staff, the PCS are making the most of the limited resources that they have. The officers work three (3) days in a row (from 8am-4pm) and then one (1) day off. The officers stated that they are over-worked and the pay does not justify the working hours. It is important that salaries are adequate to attract and retain men and women. Other employment benefits and conditions of service should take account of the nature of the prison work.¹⁵ The PCS is fortunate to have in place the matai system which is contributing greatly to the security of the prison and management of the prisoners. For instance, the matais assist the officers with overseeing prisoners work in the plantation. However, as stated earlier, there are some prisoners who feel that matais are prisoners and they should remain prisoners, and the officers roles should be left to the officers. Whilst the matai system is effective in ensuring a significant level of security and safety for officers and prisoners alike, there is an over-reliance on the matai system as a result of a lack of resources. In essence the Government is relying too heavily on the matai system to contain prisoners and not investing enough in staffing and facilities. The number of escapes this year has shown this strategy to be ineffective and must immediately be rectified. Further, the Office is of the view that there needs to be more financial and human resources allocated to the PCS in order for PCS to effectively secure the prison. While the Office understands that the focus of the Government is the building of the new prison facility, this must not mean that the Government can simply disregard the current prison at Tafaigata. The Office believes that for too long, the Government has relied on the matai system within the prison to maintain peace and security within the prison. The PCS needs to be given more resources so that they, in conjunction with the matai system, can work together to ensure Tafaigata does not experience anymore escapes.

The PCS is fortunate to be assisted by the New Zealand Corrections Department during the separation between MoP and the PCS. This is formalised through a Memorandum of Understanding which has been extended for another five (5) years. The New Zealand Correction officers are seconded with PCS as mentors to the local officers. They have also carried out trainings: the use of handcuffs, searching cells, security checks, integrity and active management to name a few. The officers find these trainings very useful as some new recruits have never worked in a prison before. In the women's prison officers requested overall training in providing correctional services and human rights law regarding the treatment of prisoners. The PCS should be engaged in more training in order to meet the Minimum Standards. Officers should possess and maintain an adequate standard of education and good work practice. In order to do this, the officers must attend courses and in-service trainings to be organized at suitable intervals.¹⁶

Recommendations:

10. The PCS should recruit more officers.
11. The PCS should provide to office regular educational training including an overall correctional services and human rights law regarding the treatment of prisoners.

¹⁴ Minimum Rules, 46 (1)

¹⁵ Minimum Rules, 46 (3)

¹⁶ Minimum Rules, 47 (1), 54 (2)

3.2.2 Record keeping

It is a generally accepted good practice in the treatment of prisoners that the prison institution keeps proper records of details of each prisoner received and allocated within the prison.¹⁷ There have been some improvements in record-keeping at the Prison since the last Inspections Report. A new system of record-keeping has been put in place, with new record books such as the Master Book or a roll call book which is carried out three (3) times every day. This policy was implemented as a result of recommendations from the New Zealand Corrections Services so as to ensure prisoners whereabouts are known to authorities all the time. There is also in place an Inmates Monitory Tablets monitory Book. This is used to monitor a prisoner's medication, that they are taking the appropriate medication at the regular times. Despite these small developments, there is still room for further improvements. Records are still kept manually and not as diligently as they should be. For an example, the Occurrence Book is incomplete and confusing. The work could possibly be made easier by electronic means. The PCS have stated that a database is currently being developed with the assistance from the NZ partners. However, the Inspections Team were not given a timeframe for when this project would be completed.

Recommendation:

12. The PCS should have clear record keeping and ensure all records are up to date.

3.2.3 Transportation

The PCS managed to secure a few vehicles including a bus since the Inspections Report.

4. Current Issues

4.1 Imprisonment of a 16 year old male prisoner

The Investigations Team met and chatted with a 16 year old male prisoner (who shall be referred to in this report as "Mr X") who is being detained at Tafaigata. Mr X was originally transferred from Olomanu Juvenile Centre in March 2014 because he ran away twice. During one of his escapes he tried to rape a seven (7) year old female. The matais of Mr X's village warned the Juvenile Centre that they may do something to Mr X if he sets foot again in the village. Mr X was and his family was banned from the village. There was also an incident where he was involved in a sexual act with another young male at the Juvenile Centre. Mr X was then transferred to Tafaigata for his security.

There are two issues of concern that was picked up by the Investigations Team regarding Mr X. First of all, Mr X used to be detained together with adult prisoners. This is clearly not in compliance with the generally accepted practice in the treatment of young prisoners under the Minimum Rules and Beijing Rules.¹⁸ However, Mr X was later transferred to be kept separately in cell 15, has been for six (6) months, because he was allegedly raped by one or more of the male adult prisoners. He comes out every day but for a limited period only to exercise and shower to avoid contact with other adult male prisoners. The PCS carried out its internal investigations and found that Mr X admitted that he consented to having sexual intercourse with the older men. However, as Mr X is below the age of 18 he does not have the capacity to give consent and therefore the sexual act between Mr X and the other male prisoners constitutes sexual violations under the *Crimes Act 2013*. According to PCS all allegations of sexual violations have been referred to Police in August to be further investigated. The

¹⁷ Minimum Rules, 7

¹⁸ Minimum Rules, 8 (d); The Beijing Rules, 29

PCS has also engaged the Mental Health Care to examine Mr X. According to the Mental Health Care, there is nothing wrong with Mr X and that it is the child's sexual preference. The PCS also consulted with Mr X's parents regarding his behavior. They were puzzled by the young man's behavior and did not know how to cope with it.

Secondly, the cell that Mr X is detained in is not fit and proper for a young prisoner. It is a punishment not an accommodation cell. It is dirty, lacks appropriate lighting and natural air. It does not have a shower but has paint-can for toilet. According to the Minimum Rules and the Beijing Rules, young prisoners deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.¹⁹ According to PCS, there are not enough and no proper facilities available and that the special/punishment cell is the only place where he can be kept separated from other prisoners at Tafaigata. The Inspections Team observed that there is no proper facility at Tafaigata Prison or the Olomanu Juvenile Centre to detain this young prisoner. Nevertheless the PCS should endeavor still to look for a way to remove this young prisoner from the punishment cell and detain him in cell accommodation more appropriate for a young prisoner.

Recommendations:

13. The PCS should continue to look for a way to detain Mr X other than in the punishment cell he has occupied since 2014.

4.2 The Complaint System

There was great concern from both male and female prisoners with regards to the transparency and confidentiality of the complaint system. Although the PCS believes that this system is working, it appears that the complaint system is confusing and not transparent for prisoners. Diagram 4.2 below illustrates our understanding of the complaint system.

The prisoners suspect that their complaints were not being received by the appropriate people due to lack of confidentiality in the process. The complaints are received by the Officer in Charge or Watch House Keeper and someone within the administration office before it reaches the Assistant Commissioner or Commissioner for their decision on the matter. The prisoners claim that there is a possibility that the officers who receive their complaints read their complaints because sometimes their complaints are against the very officer that receives the complaints. So the prisoners are of the view that their complaints are thrown away when the officer reads complaints against him/her.

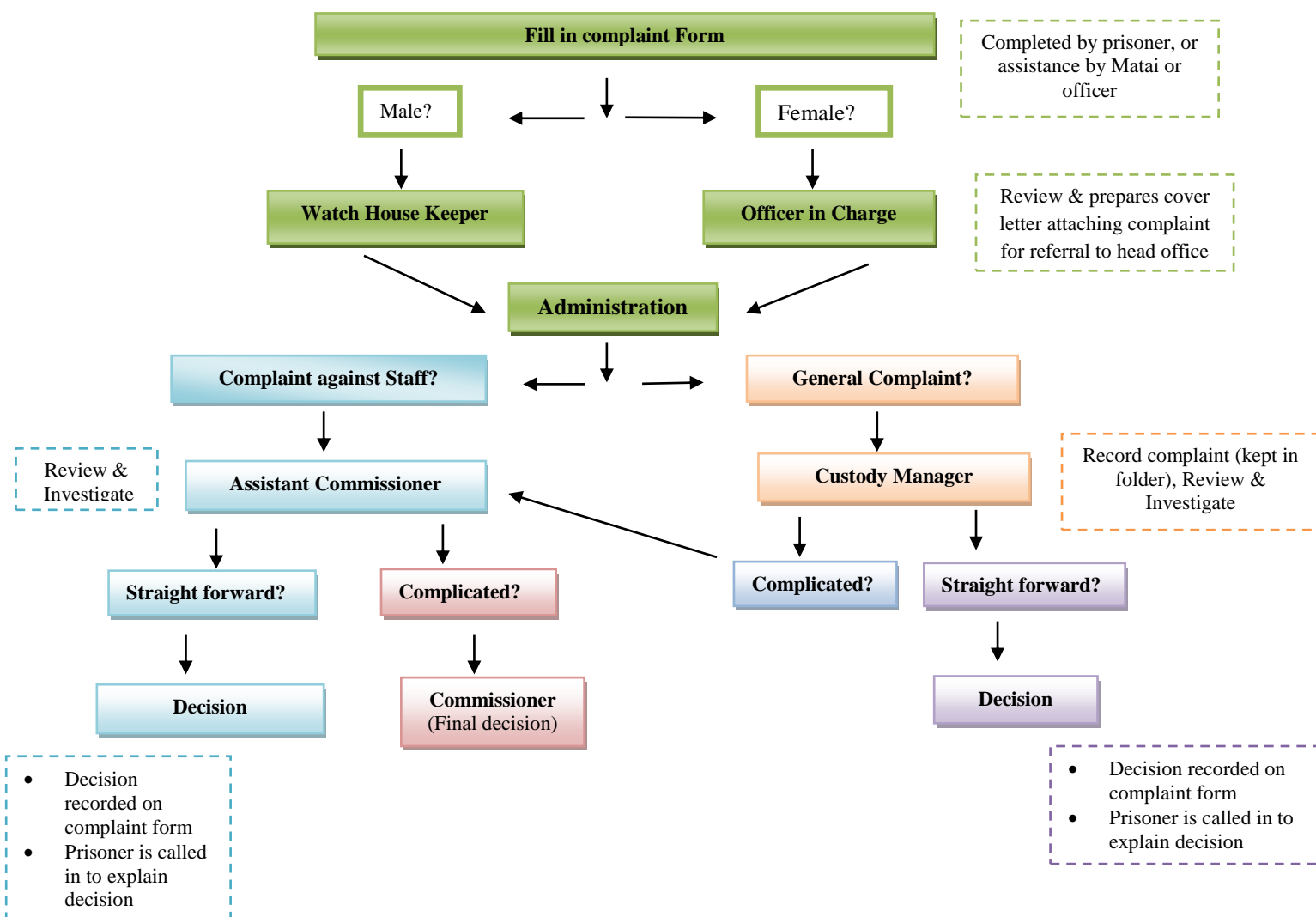
Furthermore, it was observed by the Investigations Team that the complaint forms are not enclosed and sealed in envelopes when they are given to the Officer in Charge or the main office. This means that the officers or anyone that receives the complaint can read the complaint. Also, for female prisoners, their complaints have to be read by the Officer-in-Charge because a cover letter, by the Officer in Charge, has to be attached to the complaint so that it can be referred to the main office for a decision. The female prisoners are against this process and feel that there is lack of confidentiality. Both female and male complaints are investigated and handled by the Officer in Charge for the male prison, Assistant Commissioner and Commissioner is required.

It was also observed that complaints were not properly recorded and registered in a register; this includes when they were received, the nature and the outcome of the complaint. What appears to be a record of complaints is just a folder which holds all complaint forms. Decisions are simply noted on the complaint form itself. What appears to be good practice is that prisoners are called in for further explanation of the decision if they are not satisfied with the decision.

¹⁹ The Beijing Rules, 13

Diagram 4.2

PCS COMPLAINT SYSTEM



Recommendations:

14. The PCS should install a locked box for the prisoner's complaint. This box should be checked daily by the Custodies Manager/Assistant Commissioner.
15. The PCS should create and maintain a Complaints Record Registry which includes inter alia, the date a complaint was received, the nature of the complaint and the outcome decided by PCS.

4.3 Female prison

There were many issues raised by the female inmates regarding the operation of the women's prison. There was allegation of favoritism and cliques comprised of officers and prisoners. There was also an allegation of female officers using excessive force on one of the prisoners. This matter is currently being investigated by PCS. There was also an incident whereby a female (Ms B) was detained in the men's punishment cell for a couple of hours. The male prisoners in the punishment cell raised concerns regarding Ms B's detainment. They felt that it was not appropriate for a female to be detained together with male prisoners who often find it necessary to be naked in the hot cell.

According to PCS, the decision was appropriate at the time because Ms B was out of control, cussing and screaming causing tension amongst the other prisoners. Needless to say this is clearly in breach of the *Prisons and Corrections Act* s.28 (a).

Recommendations:

16. The PCS should ensure that female and male prisoners should always be detained in separate blocks.
17. The PCS should undergo training in relevant international standards for places of detention and the restriction of liberty of juvenile offenders.

4.4 Limitation of Visitation

Prisoners raised concerns that children were no longer allowed to visit during visiting hours. According to the PCS, the reason why children are no longer allowed to visit is because children are left unattended by family members. The children then wonder around and end up chatting with the prisoners or running around on the compound unsupervised. It was decided therefore that children would not be allowed to come to the prison as Prison authorities cannot assure their safety. Also, the PCS introduced a new rule where all visitors are to park their cars at the front gate and walk to the back of the Prison. This is quite burdensome for elderly visitors because they are not able to walk to the back, effectively of discouraging them from visiting the prisoners. According to PCS, this has been in place to stop families from bringing food for PCS. There are circumstances where they allow vehicles in the premises if necessary.

Recommendation:

18. The PCS to look at ways that both elderly and children visitors are allowed to visit the prison without causing security issues for the officers.

4.5 Freedom not to sing

The Prison choir “Ola Toe Fuataina Choir” has a great reputation within Samoa. The choir is invited to participate in almost all public activities, including recently at the 13 Days of Christmas event at Vaitele. However, some prisoners raised legitimate concerns about not wanting to participate in such events. This is because they are concerned about having to go on TV and have their picture taken in the newspaper. Many prisoners believe that the exposure affects their reputation within their family and their village as a result of the stigma that comes with being convict. Further, prisoners have voiced their concerns about being able to reintegrate into society after their release, especially with regards to finding employment. They believe that if they are singing regularly on TV as part of the Prison Choir, then this stigma will be forever attached to their name and they will find it hard to reintegrate back into society. However, according to PCS, the choir is on a voluntary basis. The choice is with the prisoner whether or not they want to perform in public. They are not forced to sing, but rather, it is up to each individual prisoner whether or not they want to sing and participate in the choir. The numbers of members have been reduced down to a manageable level for security, safety and transportation reasons.

Recommendations:

19. The PCS should implement consent forms from prisoners who agree to perform outside prison. PCS should ensure that there is no retribution be made against prisoners should they wish not to join the choir.

4.6 Week-end Parole

The prisoners expressed concern about changes to the weekend parole. The PCS policy used to be that once a prisoner has served 3 months of their sentence he/she would be entitled to weekend parole. This was later extended to 6 months. Since the increase in escapes the PCS changed this policy to half the sentence before a prisoner is entitled to weekend parole. The prisoners were uneasy with this change especially those with longer sentences because it meant serving 5 or 10 years (for some) before they are entitled to weekend parole. According to PCS, the 3 months policy that was exercised before was not a recognized policy. The half sentence policy now imposed was in fact the policy approved by Cabinet and the one that should be complied with. According to PCS such information have already been relayed to the prisoners.

It would appear however that PCS says one thing and does another. Since the inspections and consultation with PCS reflected in this report, 3 prisoners (each serving a 15 years sentence) were released on weekend parole after barely completing one year in prison. The PCS reported in the newspaper that the 3 prisoners were released on weekend parole as a reward for their hard work and good conduct in the prison choir that sang at the dissolution of Parliament ceremony. According to PCS, the decision was based on good behavior- "If they have displayed good behavior then there is no need to wait till they have served half of their sentence".²⁰ The PCS believes that this mechanism helps with the rehabilitation of the prisoners, that "it is a good opportunity to spend time with families who will give them good advice and will help them rebuild their lives". The case reported in the newspaper involved 3 prisoners found guilty of a gang rape, a crime of unimaginable horror for the victim and for which very heavy penalty was rightly handed down. It should be noted that a number of the incidents which have occurred over the past 12 months have been of a sexual nature, perpetrated by prisoners with known histories of such behavior. Such individuals with serious convictions that just started their sentences should be watched closely by the prisons. The PCS should review its weekend parole policy to ensure that such policy does not allow for exceptions to the policy which poses a foreseeable threat to the public. Furthermore there is a need to really clarify and make known the system to all prisoners.

Recommendations:

20. The PCS should review its weekend parole policy to ensure that such policy does not allow for exceptions which poses a foreseeable threat to the public. The policy must be made clear and known to all prisoners.

5. Frequent Escape of Prisoners

There have been numerous reports in the media about prisoners escaping from Tafaigata prison this year. The escapes generated greater than usual public concern perhaps because of serious crimes alleged to have been committed by the escapees including the alleged rape of an Australian tourist honeymooning in Samoa with her husband. Such instances obviously shocked and angered the community as did cases of prisoners released on weekend paroles and ending up offending.²¹ There have been calls by prominent members of the community to bring back corporal punishment.²²

²⁰ Prison Services Media Person, Newline, Wednesday 3 February 2016.

²¹ Samoa Observer, 4 October 2015, 13 September 2015.

²² Samoa Observer, 24 September 2015.

The Inspections Team whilst carrying out its normal inspections took the opportunity to look into this issue. The Team interviewed 4 matais, 4 escaped prisoners (regular escapees), as well as officers and management of PCS. Explanations or reasons for escapes advanced in these interviews are as follows:

- Lack of PCS staff – prisoners know they can overpower the limited staff or escape unnoticed;
- Prisoners are no longer entitled to weekend parole. They miss their families and want to see them;
- Prisoners return back to their families to get clothes and other necessities;
- The PCS are not responding to their requests for weekend parole;
- Prisoners escape to set up an officer and have him/her get fired;
- Change in the weekend parole;
- Prisoners are impatient and can't wait to be released;
- Prisoners are not worried about the consequences of escapes. Unlike before, they do not have to reckon with the displeasure of other prisoners when they return or be locked up in a certain punishment cell that no one wanted to be detained in due to its harsh conditions. This particular cell has been shut down and is no longer used.

So what has the PCS done about the increased escapes from prison in recent months?

The PCS have carried out internal assessments and reported working together with the matais on ways to stop the escapes. The PCS and matais have established a system whereby a recaptured prisoner is taken directly to sit in front of a Council of matais (all the matais of each cell). The matais counsel him/her before he/she is referred to the punishment cell. Some prisoners reported to the Inspections Team that the system has now changed so much that prisoners are no longer afraid to escape. Before, prisoners used to be afraid of escaping because they knew that on return they could be physically punished by other prisoners for jeopardizing the latter's own entitlements. The PCS have made it clear to prisoners and officers that such acts are not allowed under the law and everyone should refrain from doing this.

It was impressed upon the Inspections Team that the shortages in staff and the lack of a proper security fence continue to be contributing factors to prison problems. As stated elsewhere in this report, the current staff capacity is insufficient to secure and manage the large number of prisoners. This is especially the case when prisoners work in the plantations. Some prisoners escape during this time. The current fencing is an old traditional pile of loose stones surrounding the premise, which is about 50 acres. There is no tower or high viewing point from which officers can monitor the movement of prisoners. The prison facilities are surrounded by coconut plantation, taro and banana plantations and bush. This makes it easy for the prisoners to escape and hard for the officers to notice any escape.

The Office believes that a single escape from prison is one escape too many, especially when horrible acts are perpetrated on innocent victims in society. Some shocking incidents have recently occurred which understandably frighten people into calling for our prisons in their entirety to be made escape free as a matter of urgency. Recent prison escapes do not however by any means indicate a breakdown in PCS's ability to contain prisoners within the confines of the prisons. The realities and dynamics within the prisons fortunately show the problem in fact to involve and revolves around a small, often easily identifiable minority of prison inmates at any particular time. What appears to the Office to be needed are proper measures and treatment to be focused on these risks laden individuals.

All said and done, it is indisputable that given the lack of security fencing, grave shortcomings in staffing and as a consequence in supervision and surveillance at different junctures of the 24 hour prison day, it is easy for any prisoner who sets his mind to it, to walk out of Tafaigata should he choose to do so. It is a fact on the other hand that except for a very small minority Samoan prisoners do not usually entertain the idea of escaping from custody. This is an enviable circumstance that Samoa and its prison system presumably would want to preserve.

The Samoan prison establishment has evolved over the years modus operandi in prison detention that has been effective in maintaining order and minimizing escapes. Significant reliance has been on elements of Faasamoa group dynamics and the use of punishment cells to achieve compliance and order in the prisons.

The 2014 Commission of Inquiry Report into Tafaigata Prison had this to say:

“The Prison Service with all its faults as identified in this report and despite evident neglect in important areas has been quite successful in achieving the limited objective of containing incarcerated persons away from the general population.

All three prisons and particularly Vaia’ata and Olomanu prisons provide clear proof that with competent leadership and quality staff a largely open type prison system which harnesses the social dynamics of traditional communal existence can work in Samoa. Very importantly, the functional reality of the “nu’u” dissipates tendency for potentially destructive “us versus them” mentality to emerge and develop in Samoan prisons.

There is however no way of avoiding the harsh ‘lock up’ option for a very small percentage of the incarcerated population who do not assimilate.

Prisoners are housed in group dormitory cells and in recently built dormitory Samoan fales. The dormitory cells but not the open fales are locked at night. During the day inmates under very minimal supervision are engaged on assigned work tasks and other activities. Nine (9) very grim dark cells are used to hold inmates under punishment for short periods. The two extremes in cell facility types at Tafaigata are far apart with nothing in between.

There appears clear need for appropriate cells to house prisoners with shown propensity or reasonably suspected intent to escape from incarceration. The 2014 Commission of Inquiry was given to understand that it was not really difficult for the prison authorities to identify people who fall into this category. Young people who have become “addicted” housebreakers were reported to the Commission of Inquiry to be high possibilities. It would seem prudent to regard these inmates apart from the general prison population as prisoners requiring constant vigilance in supervision and lock up. Of necessity minimal surveillance that is routinely in operation with regard to the prison population as a whole would not apply to them. As observed by the Commission of Inquiry, the visible ever available ‘lock up’ alternative, to the normal dormitory accommodation and associated relative freedom, while a necessity for a few hard cases can serve as effective deterrent for the rest.

There is urgent need for a block of appropriate cells to house individuals who are seen, for security or other special reasons, to require greater surveillance and stricter confinement in cell accommodation different from those provided for the general prison population. The need for a new category of cell accommodation and tailored surveillance for specially singled out inmates has been highlighted by recent escape incidents and the case of the 16 year old prisoner Mr X discussed earlier in this report.

Recommendations:

21. The PCS should build a block of appropriate cells in Tafaigata Prison to house individuals who are seen, for security or other special reasons, to require greater surveillance and stricter confinement in cell accommodation.

6. Recommendations

The following table provides recommendations and actions required by the appropriate facility to address and implement within the specified timeframes. The next inspections by the Office will follow up on the progress of these recommendations.

Therefore, it is recommended that:

Key:

Urgent Attention	Within 3 months from release of report.
Immediate Attention	Within 6 months from release of report.
Medium Attention	Within 9 months from release of report

Recommendation	Desired Outcome	Actions Required	Timeframe	Responsible Agency
1. The Government should ensure that PCS and SWA work together to ensure adequate water supply in the prison.	Prisoners have regular access to clean water when required for drinking and shower	PCS to engage SWA to continue working on ways to ensure regular supply of water	Immediate	PCS and SWA
2. The PCS should prioritise using the produce from the vegetable gardens; plantation and animal farms are used primarily to feed the prisoners.	Prisoners have a healthy diet	Prioritise using the produce from the vegetable garden, plantation and animal farm for the prisoner's food	Urgent	PCS
3. The PCS should produce quarterly statements about the expenditure and revenue gained from the sale of produce from the Prison. These statements should be widely distributed to the prisoner population.	Prisoners are aware and update to date with the proceeds.	<ul style="list-style-type: none"> The PCS should produce quarterly statements about the expenditure and revenue gained from the sale of produce from the Prison. These statements should be widely distributed to the prisoner population 	Medium	PCS
4. The Government should allocate sufficient budgetary resources to feed the whole prison population, including those in the custody cells.	There is sufficient food for whole prison population.	PCS to request from Government sufficient budget to feed the whole prison population.	Immediate	PCS & Government
5. The PCS should renovate the kitchen	Prisoners are safe and live in a clean	Renovate the kitchen and storage room	Immediate	PCS

and storage room	facility free of rat and cockroach infestation			
6. The PCS should engage FESA to water blast the cells at least 3 times a year.	<ul style="list-style-type: none"> • Cleaned cells • Healthy prisoners • Reduced rat and cockroach infestation 	<ul style="list-style-type: none"> • PCS to enter into an understanding with FESA to water blast clean the cells at least 3 times a year 	Immediate	PCS & FESA
7. The PCS should always detain young prisoners (including untried prisoner) and adult prisoners (including untried prisoners) in separate cells.	<ul style="list-style-type: none"> • Young prisoners are kept in separate cells/facilities from adult prisoners • Tafaigata Prison is compliant with international Minimum Rules 	<ul style="list-style-type: none"> • Implement classification system • Remove young prisoners to separate cells from adult prisoners. 	Urgent	PCS
8. The Government in conjunction with PCS and relevant stakeholders should fast track the construction of a new prison facility.	<ul style="list-style-type: none"> • Reduced escapes • Improved hygiene • Less crowded in cells • Classification of prisoners is implemented 	<ul style="list-style-type: none"> • Follow up with Tenders Board on status of progress of approval of design • Relevant bodies to assist PCS to ensure speedy construction 	Urgent	PCS
9. The PCS should implement rehabilitation, educational and vocational activities for prisoners as planned. This should be compulsory for young prisoners.	<ul style="list-style-type: none"> • Prisoners can earn an honest living when released • Prisoners have access to proper education, rehabilitation and vocational activities 	<ul style="list-style-type: none"> • Implement rehabilitation and educational programme as planned. 	Immediate	PCS
10. The PCS should recruit more officers.	<ul style="list-style-type: none"> • Secured Prison. • Reduced escapes • Enough time for officers to rest. 	PCS to recruit more officers	Urgent	PCS
11. The PCS should provide to officers regular educational training including an overall correctional services and human rights law regarding the treatment of prisoners.	<ul style="list-style-type: none"> • Officers are knowledgeable on how to handle allegations of sexual violations of young prisoners • Officers understand relevant international standards and are able to carry out 	<ul style="list-style-type: none"> • Officers to attend regional and international training opportunities when available • PCS to engage appropriate overseas personnel to carry out trainings 	Medium	PCS

	work effectively.	<ul style="list-style-type: none"> • PCS to engage local relevant bodies to carry out trainings e.g National Prosecutions Office, Office of the Attorney General, Office of the Ombudsman 		
12. The PCS should have clear record keeping and ensure all records are up to date.	<ul style="list-style-type: none"> • Proper record keeping in place 	<ul style="list-style-type: none"> • PCS ensure officers recording details are clear and consistent • Officers ensure all records are update to date 	Immediate	PCS
13. The PCS should continue to look for a way to detain Mr X other than in the punishment cell he has occupied since 2014.	Mr X is detained in a more appropriate cell for a young prisoner	PCS to look for a way to detain Mr X other than the punishment cell.	Urgent	PCS
14. The PCS should install a locked box for prisoner's complaints. This mailbox should be checked daily by the Custodies Manager/Assistant Commissioner.	<ul style="list-style-type: none"> • Complaints are kept confidential and they reach the relevant officer to determine the complaint 	<ul style="list-style-type: none"> • Install a box that can be easily accessed by prisoners • Assistant commissioner and officer in charge to uplift complains 	Immediate	PCS
15. The PCS should create and maintain a Complaints Record Registry which includes inter alia, the date a complaint is received, the nature of the complaint and outcome decided by PCS.	<ul style="list-style-type: none"> • Records of complaints are properly recorded 	<ul style="list-style-type: none"> • Implement a Complaints Registry which includes, the date the complaint was received, the nature of the complaint and outcome decided by PCS 	Urgent	PCS
16. The PCS should ensure female from male prisoners should always be detained in separate blocks.	Female and male prisoners are detained in separate blocks	<ul style="list-style-type: none"> • Implement classification system • PCS to detaining female and male prisoners • Establish new prison 	Immediate	PCS

17. The PCS should undergo training in relevant internal standards of places of detention and the restriction of liberty of juvenile offenders.	Officers are well trained and informed on relevant standards regarding places of detention and the restriction of liberty of juvenile offenders	<ul style="list-style-type: none"> • PCS to engage the NHRI to carry out training on minimum standards of places of detention and restriction of liberty of juvenile offenders • PCS to engage any international opportunity on training regarding detention of young offenders 	Immediate	PCS & NHRI
18. The PCS should look at ways that both elderly and children visitors are allowed to visit the prison without causing security issues for the officers.	<ul style="list-style-type: none"> • Prisoners have access to visitation from their families 	<ul style="list-style-type: none"> • PCS to implement policies regarding supervision of children that it must be adhered to or the visitation is ended 	Immediate	PCS
19. The PCS should implement consent forms from prisoners who agree to perform outside prison. PCS should ensure that there is no retribution be made against prisoners should they wish not to join the choir.	<ul style="list-style-type: none"> • Clear understanding and agreement from prisoners who wish to join the choir. 	<ul style="list-style-type: none"> • Implement consent forms from prisoners • Consent forms to be made clear and known to all prisoners 	Immediate	PCS
20. The PCS should review its weekend parole policy to ensure that such policy does not allow for exceptions which poses a foreseeable threat to the public. The policy must be made clear and known to all prisoners.	<ul style="list-style-type: none"> • Ensure that the deemed high risk prisoners are cautiously considered when they are considered for weekend parole 	<ul style="list-style-type: none"> • Review the weekend parole policy which ensures that deemed high risk prisoners are cautiously considered when they are considered for weekend parole; • Implement classification system to assist with the determination of weekend parole 	Immediate	PCS

21. The PCS should build a block of appropriate cells to house individuals who are seen, for security or other special reasons, to require greater surveillance and stricter confinement in cell accommodation.	<ul style="list-style-type: none"> • Regular escapees are constantly supervised • Decrease in escapes • Safety of the public 	<ul style="list-style-type: none"> • Build a separate block of appropriate cells to provide greater surveillance and stricter confinement 	Urgent	PCS
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7. FOLLOW UP ACTIONS

The following are follow up actions on the recommendations:

- a. The Office will share this report with each detention facility and work together to determine how to approach the different issues raised in the recommendations; and
- b. The Office will have follow up inspections on specified timeframes to ensure that the recommendations are addressed.

Annex A: * Samoa Prison and Services Comments to the Inspections Report 2015/2016

*** NHRI comments to PCS comments**

Annex B: Rehabilitation, Educational & Vocational Program