



Komesina o Sulufaiga

DETENTION CENTER INSPECTION REPORT 2019 NO. 1

*Tafa'igata, Oloamanu & Vaia'ata Prison
Facilities: Follow-Up of 2015, 2016, 2017
Detention Report Recommendations*



July 2019

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EXECUTIVE SUMMARY

This is the fourth Detention Centre Inspection Report (DCIR) of the prisons carried out by the Office of the Ombudsman/ National Human Rights Institution (Office). The inspections are intended to provide a 'window into prisons', giving early warning of emerging risks and challenges, and highlighting areas of good practice that are compliant with not only national standards but also international human rights standards for places of detention. New development and some improvements were observed during the Office's inspection to the three detention facilities. Some of these improvements and developments include:

- reinforced checkpoint at the entrance at Tafa'igata
- new open house built at Vaia'ata prison
- renovated kitchen and storage room at Tafa'igata
- new solitary and custody cells at Oloamanu
- complaint box at Tafa'igata
- literacy and numeracy programmes for Oloamanu
- isolation room for the sick at the Tafa'igata female unit
- quality of food at Vaia'ata and Oloamanu prison
- improved water supply at Tafa'igata and Oloamanu

The Samoa Prison and Corrections Services (SPCS) is commended for efforts undertaken to date to address recommendations in the Office's three DCIRs. However, there is still a lot of work that needs to be conducted to ensure compliance as well as the safety and effective management of prisons in Samoa.

Overall, SPCS has achieved a **C grade average** which means that a majority of the implementation of the recommendations fall within the 21%-50% bracket. This is unfortunately a concerning feature which requires urgent and priority attention in order to combat and elevate it to a higher stage. Some of the main reasons for the low grading is due to:

- lack of practice or ignorance of national and international human rights standards applicable to work
- lack of proper policies and systems in place to guide the work
- reliance on practice which are not compliant with the law
- rigid institutional culture
- lack of proper programmes and trainings for both officers and prisoners

The absence or inadequate consideration given to the above, can lead to prisons being unsafe with consequential risk not only for the prisoners and staff but also for the public. It is clear that currently, safety, humane treatment, and rehabilitation and reintegration needs are on occasions balanced against one another; and short-term requirements sometimes take precedence over longer-term needs. It is important to note in this connection that SPCS is a recently created independent institution with limited resources and budget, gaps that impact comprehensive implementation.

It is important to note that our inspections took place while the new prison at Tanumalala was being completed. Tanumalala is a step forward in prison facilities development for this country. This report hopefully will serve as a helpful starting point in the way forward for SPCS operations at the new prison facility.

OVERVIEW

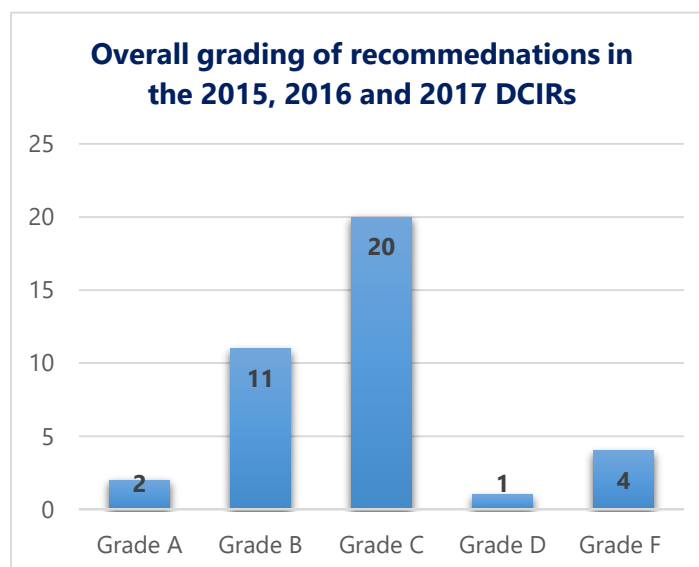
SPCS currently manages three prison facilities across Samoa. These include the main prison at Tafa'igata¹, the Juvenile Detention Centre at Oloamanu and the Vaia'ata prison in Savaii.² The inspections covered all of these three facilities. At the time of the inspections the three facilities housed the following number of prisoners and custodies.

Facility	Male	Female	Total
Tafa'igata	252	19	271 ³
Oloamanu	42	-	42 ⁴
Vaia'ata	45	-	45

Our inspections took place between **25 and 27 March 2019**.

The Office commends the work carried out by SPCS in response to recommendations contained the 3 DCIRs. Overall, SPCS has made modest changes to address recommendations. We still have much to do to ensure that the minimum human rights standards in prisons are practiced and upheld to ensure the safety and security of everyone. While the much awaited move to the new prison facility at Tanumalala was an excuse for past inaction in some areas, now that the move is a reality it must augur well for the majority of the recommendations issued by the Office in its 3 previous DCIRs with reference to Tafa'igata.

Grade	Implementation level
A	Satisfactory Implementation (71%-100%)
B	Large Implementation (51% - 70%)
C	Partial Implementation (21% - 50%)
D	Minimal Implementation (1% - 20%)
F	No Implementation (0%)



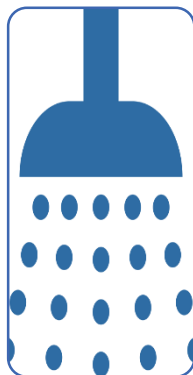
¹ This has now been relocated to Tanumalala as of 28 June 2019.

² As of 28 June 2019, SPCS will be opening the new prison facility at Tanumalala where the Tafa'igata Prison facility will be relocated to.

³ Note that in addition to the 271 prisoners at Tafa'igata, 1 was on the escape list, 1 was released on a warrant and 2 were in police custody making the total number 275. Furthermore, from the 271 prisoners, 83 were in custody.

⁴ From this number, 1 juvenile was in custody.

1. Key observations at Tafa'igata Prison



Some cells have been water blasted and are cleaned regularly. However, there is still overcrowding and most of the inmates still live in dirty and filthy conditions. There is also vulgar smell especially in solitary cells.



There is improvement with new books to record prisoner property. However, the data is not comprehensive and poorly recorded. Further an e-filing system has yet to be established.



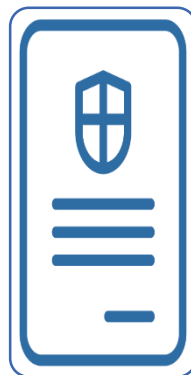
Everyone for the most part still kept together apart from separation by gender. The new practice is that the sick and disabled are also isolated from the rest of the group. Not only that the cooks are separated from the rest of the group to make it easier for officers to monitor.



These are recorded and inmates get a share of the revenue. However, there are still issues with proper record keeping and also of how the money is used especially with the portion that the inmate does not receive i.e. 30%.



Officers do not receive sufficient training on areas to assist with their work e.g. use of force, use of restraints, minimum standards.



Some policies are still in draft form and majority of work is carried out based on practice.



There is a lack of understanding of staff regarding use of force as well as comprehensive knowledge of laws that guide their work.



Programmes are not adequate and do not seem to fully help inmates rehabilitate. There is a lack of options available and there is a lot of focus on spiritual healing which can only go so far.

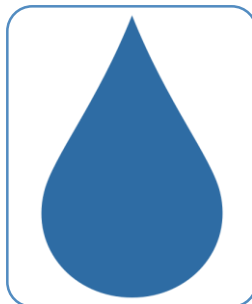
2. Key observations at Vaia'ata Prison



Inmates continue to sleep on unstable beds and there are cracks on the floor where they sleep. There is also dust and insects creating an unhealthy environment for prisoners.



The bathrooms and showers are of very poor standard. The bathrooms have no running water and filthy.



Water is not accessible. Water not always on and there are times when the water goes off for several hours. This means no water for cooking, bathrooms etc.



Record keeping generally poor. The site does not have sufficient record books to keep information on various matters such as belongings etc.



There is no access to the internet and inmates are also unable to call their families as phone services are not offered for calling out.



Although there is a process in place and a practice for making complaints, there is no set or written policy in place. All complaints are made and dealt with verbally and are not recorded.

3. Key observations at Oloamanu Juvenile Center



Majority of the complaints lodged by inmates are verbally conducted therefore there are no records of these. This makes it difficult for when investigations are carried out etc. The facility does not have complaint forms or an established process for complaints.



The road to the facility remains poor and there is a quite a distance to travel. This is an issue especially in times of emergencies. Not only that, it will make it difficult for families to visit.



Programmes are not adequate and do not seem to fully help inmates rehabilitate. There is a lot of focus on spiritual healing which can only go so far. There is heavy reliance on mentorship by older prisoners which does not fully address rehabilitative needs of juveniles.



Officers rarely receive any proper trainings or none at all. There is however mentoring by senior staff. Trainings on the law and human rights is of high need to help officers carry out their work effectively.



Record books are inadequate. The facility does not have all the necessary and required record books to record prisoner information etc. There is also very little to no training of staff of how to manage and keep records.



Juveniles are mixed with older prisoners some of which have been convicted of sexual offences. The reason for this was that older prisoners provide mentorship to the juveniles. However, this still creates a safety risk for young inmates and also defeats the purpose of having a juvenile centers which is only meant to be for young offenders. Furthermore, older prisoners also take up living space. There is also confusion regarding the age of juveniles. Oloamanu uses the youth age 18-35 years old. Tafa'igata notes the age to be 17 and below.

INTRODUCTION

1. Background

Since 2015, the Office has carried out 3 inspections. These included:

- 2015: inspections covered all prisons facilities including Tafa'igata, Vaia'ata and Oloamanu Juvenile Centre;
- 2016: inspection of Tafa'igata Prison only;
- 2017: inspection of Vaia'ata Prison as well as Police custody cells at Tuasivi, Fagamalo, Asau and Vaitoomuli Outposts.

Due to urgent commitments undertaken by the Office, it was not able to carry out an inspection for 2018. Therefore, for 2019 the Office will carry out 2 inspections at the beginning and at the end of 2019 with different focuses. DCIR 2019 No. 1 is a follow-up to the **recommendations contained in our 2015, 2016 and 2017 DCIRs**. Note that recommendations targeted to Police, will be followed up at a later date.

In conducting this inspections, the Office did a sight and record exercise, as well as ask questions about efforts undertaken by the SPCS (from the date of report publication to date) to accommodate the recommendations in the three DCIRs.

2. Preparation work

Prior to conducting our inspections, an internal assessment of the 2015, 2016 and 2017 DCIRs was carried out to take note of recommendations made. Based on these previous DCIRs some of the common issues identified during the Office's visit to the three facilities include among others:

- unsafe water and inadequate food
- poor living and housing conditions
- poor record management
- lack of policies in place regarding induction, complaints, medical book, disciplinary sanctions and prisoner inventory
- violence and issues on contraband
- cell allocation and separation
- resources and funding
- trainings and programmes for both inmates and staff

All facilities were given advance notice of the visits as a courtesy gesture despite this being the fourth visit by the Office. The approach and objectives for the visits were designed and developed by the Human Rights Unit of the Office. These provided the inspections team with guidance on areas of focus and structure for all of the visits.

3. Authority to visit

The Office is mandated under the *Ombudsman Act 2013* (OMB Act) section 33(e), to visit all public and private places of voluntary and involuntary confinement or detention in Samoa to ensure they are compliant with international standards of detention and treatment of prisoners and persons held in custody. Section 24 of the *Prisons and Corrections Act 2013* (PC Act) also gives the Ombudsman the power to visit prisons and prisoners for the purposes of the OMB Act.

4. Visit objectives

The main objectives of the visit include:

- to conduct a sight and record exercise as well as ask questions relating to efforts undertaken by SPCS to accommodate recommendations contained in the 2015, 2016 and 2017 DCIRs;
- to evaluate progress being made noting issues and areas where work has been conducted to inform recommendations of the Report.

5. Inspection criteria/ standards

We assessed and audited the recommendations of the three DCIRs against applicable laws and standards for the treatment of people in detention:

- *Prisons and Corrections Services Act 2013*
- *Prisons and Corrections Regulation 2014* (PC Regulations)
- *The Standard Minimum Rules for the Treatment of Prisoners* (The Nelson Mandela Rules)

The PC Act repeals the *Prisons Act 1967* and provides for the re-organisation and reform of prisons by the establishment of a Samoa Prisons and Corrections Service with necessary transitional arrangements, and by reforms to the management of prisons and the treatment of prisoners in accordance with Samoan customs and traditions and accepted practices and standards, and with an objective of providing a corrections based system, and for related purposes.

In the management of prisons and treatment of prisoners, the PC Act under section 3 provides guiding principles that are to be applied when carrying out the duties, powers and functions of prison staff delegated under such law. These principles include:

- manage prisons in accordance with Samoan tradition, culture and community values;
- have full regard to the recognized international standards and obligations relating to the treatment of prisoners (in particular Conventions Samoa is a party and the Nelson Mandela Rules);
- apply to the fullest extent possible the rights and obligations of the Convention on the Elimination of All Forms of Discrimination Against Women⁵, and Convention on the Rights of a Child⁶;
- maintain discipline and order with fairness but firmness, and with no more restrictions than is required for the proper management of prisons and prisoners;
- encourage self-respect and a sense of personal responsibility when treating prisoners in order to re-build their morale and to instil in them habits of good citizenship;
- members to influence prisoners under their control with good leadership; and
- treat prisoners who are infectious diseases and serious illnesses or disability accordingly and with due care.

⁵ Samoa became a party to the CEDAW in 1992. Under this Convention Samoa is obligated to prohibit of all forms of discrimination against women (Article 2) including treatment of women in prison in that they should be treated with dignity and respect regardless of their status of being a prisoner.

⁶ Samoa became a party to the CRC in 1994. Under this Convention Samoa is obligated to ensure that children benefit from all the human rights guarantees available to adults. This includes for children in detention to be treated in a manner which promotes their sense of dignity and worth, facilitates their reintegration into society, reflects their best interests and takes their needs into account (Articles 3 and 37).

The PC Regulations further highlights actions and procedures to be taken when looking at issues for instance solitary confinement, disciplinary measures as well as classification of prisoners' process all of which also contains standards to be followed. For example, when determining the isolation of a prisoner in solitary confinement an important consideration is to look at whether it is necessary and will lead to the maintenance of good order in prison.

The Nelson Mandela Rules which is a revision of the 1955 United Nations Standard Minimum Rules on the Treatment of Prisoners focuses on various areas covering all aspects of prison management and outline the agreed minimum standards for the treatment of prisoners – whether pre-trial or convicted.⁷ The Rules (Rules 1-5) are premised on 5 key basic principles which include:

- Prisoners must be treated with respect for their inherent dignity and value as human beings.
- Torture or other ill-treatment is prohibited.
- Prisoners should be treated according to their needs, without discrimination.
- The purpose of prison is to protect society and reduce reoffending.
- The safety of prisoners, staff, service providers and visitors at all times is paramount.

Other areas covered under the Rules include among others health care; restrictions, discipline and sanctions; cell searches; contact with the outside world; prisoner complaints; and the use of solitary confinement.

The above standards and principles reflect the essential purpose of the prison system, which is to protect society from crime, both during imprisonment and after release. They also highlight the complex demands that are placed on prison staff and management. SPCS is encouraged to proactively use these principles as a guide to decision-making, and to foster continual improvement that, as much as possible, sees the prisons deliver on ensuring not only the safety of staff, prisoners and the public, but also uphold and respect the human rights and dignity of prisoners.

DID YOU KNOW?

In March 2019, Samoa ratified the United Nations Convention Against Torture (UNCAT). UNCAT contains specific articles which in the context of prisons relate to the role of law enforcement officers involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.⁸ Accession to UNCAT is in line with Samoa's existing laws, including Article 7 of its Constitution, which specifically provides for the prohibition of torture and other ill-treatment.⁹

What this means is that, the Government (through the relevant agencies e.g. SPCS) is obligated to domesticate or implement the obligations highlighted in the UNCAT and comply accordingly.

6. *Inspection process*

During our inspection:

⁷ https://cdn.penalreform.org/wp-content/uploads/2016/01/PRI_Nelson_Mandela_Rules_Short_Guide_WEB.pdf

⁸ See Articles 10 and 11 of UNCAT.

⁹ <https://cti2024.org/en/news/progress-in-the-pacific-samoa-accedes-to-the-un-convention-against-torture/>

- We interviewed prisoners and custodies about life in prison, improvements as well as any challenges faced.
- We interviewed the Commissioner as well as staff (both senior and junior) regarding developments, improvements and existing challenges.
- We visited the cells and units where prisoners and custodies are housed to assess their physical condition reflecting on the previous state.
- We inspected records and files as well as facilities/ resources to assist with rehabilitation of prisoners.

7. Report structure

The following sections describe what we found during our inspection, with a particular focus on progress made in response to the recommendations contained in the three DCIRs.

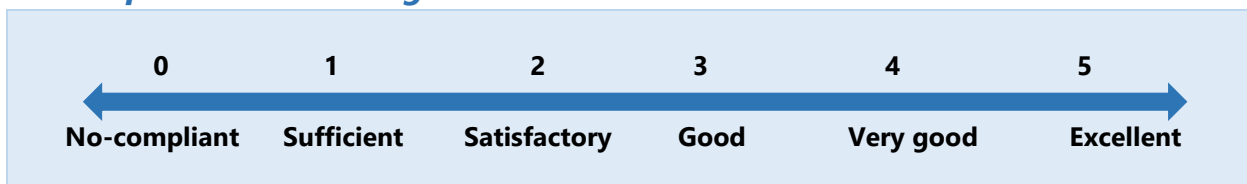
The report is organized by theme/ issue where each issue will be assessed against the standards outlined in the laws and rules outlined above and then given a progress rating regarding work undertaken by SPCS to date in implementing the Office's recommendations.

8. Categorization of progress of recommendations

Based on work carried out by SPCS, the grades used to classify level of implementation are explained below:

Grade	Implementation level	Severity Description
A	Satisfactory Implementation (71%-100%)	A great amount of work has been undertaken to address and implement recommendations. However, challenges exist affecting satisfactory execution of recommendations.
B	Large Implementation (51% - 70%)	A good amount of work has been undertaken to address recommendations. Some gaps exist that require addressing. Challenges also continue to prevent barriers for implementation.
C	Partial Implementation (21% - 50%)	Some action has been taken to address some of the recommendations in the report. However, there are still major gaps that require work.
D	Minimal Implementation (1% - 20%)	Work just started or very minor action carried out to address recommendations.
F	No Implementation (0%)	No work or attempt to conduct work scheduled or undertaken.

9. Compliance with recognized standards scale



FOOD & WATER SUPPLY



Prisoners must be provided with nutritious food of wholesome quality and also drinking water whenever they need it. Food and water cannot be restricted as a disciplinary sanction and must be provided without exception. ~ [Mandela Rules 22, 35, 42, 43]

Relevant provisions and regulations: [PC Act Sections 21(1)(c), 33]

Prison facility	Recommendations	Grading
All three facilities (2015)	Address water supply (all prison facilities - Tafa'igata, Oloamanu, Vaia'ata)	B
Tafa'igata (2016)	The Government should ensure that SPCS and SWA work together to ensure adequate water supply in the prison.	B
	SPCS should prioritize using the produce from the vegetable gardens; plantation and animal farms are used primarily to feed the prisoners.	B
	The Government should allocate sufficient budgetary resources to feed the whole prison population, including those in the custody cells.	C
Vaia'ata (2017)	SPCS to ensure that prisoners have access to clean water whenever they need it.	C

Since 2017, SPCS has installed new pipes and water supply and access has been sufficient for the Tafa'igata prison. However, some of the inmates who were interviewed stated that despite the access to water, it is not clean and not healthy. The Oloamanu Centre has also been working in collaboration with authorities to ensure that there is water supply to the site. Vaia'ata on the other hand still faces issues with access to water. Currently, inmates and staff rely on water tanks for water to cook and shower. The water lines only come on during specific times of the day and sometimes these times are unknown. Prison staff in charge of the site have approached and discussed the issue with relevant authorities regarding water supply but have so far received no response. Despite the challenges, SPCS noted that it will continue to work with the Samoa Water Authority to ensure sufficient water supply to all sites as it is of paramount importance.

The current food regime is that everyone gets the same supply and diet. Inmates receive sufficient food both protein (chicken, tinned fish¹⁰) supplied by selected retailers on a monthly basis, as well as vegetables and crops. There is a time when supply especially of protein is short however the availability of other sources make up for this. Oloamanu as well as the Vaia'ata prison for instance sometimes provide crops for the Tafa'igata prison to meet demand. However, according to some inmates even though they receive sufficient food, they are unhealthy and unhygienic at times.

¹⁰ In some situations, pigs and cattle are used to supply protein for the inmates.

Compliance level with recognized standards



Recommendation:

1. SPCS to work with Samoa Water Authority to ensure that prisoners at Vaia'ata receive access to clean water daily.

LIVING CONDITIONS AND HYGIENE



Every prison must have clean bathroom facilities in the interests of dignity and hygiene. Access to water, toilet items (including sanitary towels for women), adequate clothing and bedding must also be provided. ~ [Mandela Rules 15, 16, 18-21]

Relevant provisions and regulations: [PC Act Sections 21(2)(b)]; [PC Regulations 62 (1)(l)]

Prison facility	Recommendations	Grading
All (2015)	Improve hygiene and sanitation to improve health conditions and to reduce risk of developing and spreading of diseases.	C
Tafa'igata (2016)	SPCS should engage FESA to water blast the cells at least 3 times a year.	C
Vaia'ata (2017)	SPCS to fix septic tank and ensure that the primitive toilets are in decent manner.	C
Vaia'ata (2017)	SPCS to build a temporary open house to detain some of the prisoners to reduce overcrowding and for prisoners to have access to reasonable lighting, space and air.	A

Hygiene at the Tafa'igata prison is monitored by staff and SPCS provides the inmates with cleaning products and supplies for cleaning of cells. SPCS also recently provided inmates with paints for the cells. Hygiene inspections are carried out weekly for female cells at Tafa'igata to ensure the cells are clean and tidy. SPCS also continues to strengthen ties with FESA to assist with cleaning of cell blocks. For Vaia'ata, there are no longer primitive toilets and all bathrooms are serviced with septic tanks. Oloamanu center is the most hygienic out of all of the three centers and living conditions for prisoners are better compared to the other two centers.

The living conditions at Tafa'igata are appalling. There is still the issue of overcrowding and almost all cells have a strong odor which is not healthy for inmates. It is also hot and some cells especially solitary

confinement cells are filthy, all of which are inhumane.¹¹ For the Vaia'ata cells, despite the new renovations inmates still sleep on unstable beds some made from sticks (by the prisoners), some on the floor where the foundation of the house is cracked. There is also a lot of dust and bugs. There were complaints by the inmates that they get itchy from these bugs which eventually turn into boils. An open house has also been built at Vaia'ata for inmates and for rehabilitation programmes and meetings during the day. The open house is also equipped with a television. Oloamanu center has proper and adequate housing for everyone. Juveniles no longer sleep together in the same house as staff. The houses are well looked after and clean.

Compliance level with recognized standards



Recommendation:

2. SPCS to ensure that prisoners at Vaia'ata sleep on stable beds and that foundation of the floors and fixed and rooms receive pest control treatment to eliminate health risks to prisoners.

SEPARATION & CLASSIFICATION



Certain groups of prisoners must be housed separately as a means of protection and to facilitate adequate individual treatment. This applies to men and women, pre-trial and convicted prisoners, children and adults. ~ [Mandela Rule 11]

An individual assessment is important to identify any risks prisoners may pose to themselves, to staff or to other prisoners, but also any risks they might be exposed to, specific needs they have and rehabilitation measures that should be taken. Classification systems should be flexible in order to support individualization of treatment. ~ [Mandela Rules 89, 93, 94]

Prisons must make adjustments to accommodate prisoners with physical, mental or other disabilities in order to ensure access to services and programmes on an equitable basis. Measures to address specific needs must not be considered discriminatory. ~ [Mandela Rules 2, 5]

Relevant provisions and regulations: [PC Act Sections 39, 40]; [PC Regulations 51, 54, 55]

Prison facility	Recommendations	Grading
All (2015)	Classify and separate prisoners e.g.: a. No children should be detained with adults; b. Prisoners with minor convictions are separated from prisoners with serious convictions; c.	C

¹¹ It was noted by SPCS that the situation at Tafa'igata will improve once shifted to Tanumalala.

	Persons with disability or mental illness are kept separate and are provided with special monitoring	
Oloamanu (2015)	Provide separate accommodation for staff at Oloamanu Juvenile Centre from inmates	B
Tafa'igata (2016)	The SPCS should always detain young prisoners (including untried prisoner) and adult prisoners (including untried prisoners) in separate cells	F
	The SPCS should ensure female from male prisoners should always be detained in separate blocks.	A
	The SPCS 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.	C
	The SPCS should continue to look for a way to detain Mr. X other than in the punishment cell he has occupied since 2014.	n/a
Vaia'ata (2017)	SPCS should consider ways to ensure that juveniles are separated in different facilities from adult prisoners.	F

SPCS currently follows the same system where everyone is mixed and the lack of cells make it difficult to do proper separation. SPCS heavily relies on the idea of communal living. Everyone (of the same gender) are kept together as a family and a one person is appointed as the Matai for that unit who oversees and maintains order in the cell. Inmates are only separated by sex/ gender (male and female). There are also exceptions for those who get sick and for the disabled. For Tafa'igata, the older men are also separated from the rest of the male prison population. This is also the case for high risk offenders (those who commits violence or escape) who are separated and detained in the solitary cells. SPCS notes that with the new Tanumalala classification will be prioritize given that there is more space to cater for the prison population.

The staff at Oloamanu prison now sleep separate from juveniles. However, not all juveniles are housed at Oloamanu as some are kept at Tafa'igata which should not be the case.¹² On the day of inspection, one of the issues observed by the team was that majority of the inmates at Oloamanu were not juveniles. Most of them were between the ages of 25 – 50 years. For Tafa'igata one of the concerns observed was that some of the elderly prisoners kept in an open Fale are high risk offenders. Both these scenarios are concerning and should be addressed to ensure the safety of everyone.

For Vaia'ata, a new open house has been built to assist with the separation of prisoners to avoid overcrowding and separate them from staff. There are currently plans to build a new block at Vaia'ata to cater for separation. Groundbreaking work took place on the 21 March 2019 and construction is set for later in the year.

¹² According to the Nelson Mandela Rules (28 and 29) the decision on whether children are accommodated in prison with their parent should be based on the best interests of the child. Provision needs to be made for pre- and post-natal care, childcare facilities and healthcare services for children. Children housed in prison must never be treated as prisoners.

Compliance level with recognized standards



Recommendation:

3. SPCS to classify and separate prisoners especially
 - a. No children/ juvenile should be detained with adults – this should be strictly prohibited;
 - b. Prisoners with minor convictions are separated from prisoners with serious convictions;
 - c. Persons with disability or mental illness are kept separate and are provided with special monitoring.
 - d. Custody and convicted prisoners should not be detained together.

HEALTH



Healthcare must be provided in prison and offered at the same level of care as in the community. Prison healthcare should be organized in close cooperation with community health services, including to ensure continuity of care. ~ [Mandela Rules 24-29, 31]

Healthcare professionals in prison must be clearly separate from that of the prison administration. Prison is to evaluate, promote and treat the physical and mental health of their patients - prisoners. This includes treatment and care for infectious diseases, substance dependencies, mental health and dental care. Prison healthcare staff have a duty to report any signs of torture or other inhuman treatment. ~ [Mandela Rules 25, 30-34]

Prisoners like normal patients must give their informed consent to any medical interventions and examinations, and their medical records are confidential. ~ [Mandela Rules 26, 32]

The competent public health body should regularly inspect and advise the prison director on a variety of issues impacting on the health and well-being of prisoners - as well as prison staff. This includes food, hygiene of the institution and of prisoners, sanitation, temperature, lighting and ventilation, and other conditions. ~ [Mandela Rule 35]

Relevant provisions and regulations: [PC Act Sections 28 (2)(c), 30, 35, 36, 37]; [PC Regulations 62 (1)(c)]

Prison facility	Recommendations	Grading
All (2015)	Improve access to health care services.	C

Tafa'igata no longer has a nurse creating a challenge for the center and prisoners. The nurse was stationed at Tafa'igata only. SPCS also does not have a visiting medical officer to come and conduct inspections of the facilities to see if inmates require medical assistance and to see if the cells are safe and healthy for the inmates. However, SPCS receives visits from the Ministry of Health who conducts health drills for tuberculosis. Samoa Aids Foundation also recently carried out a STI screening session for inmates. These visits however do not test everyone and are also not regular. SPCS stated that they do not offer these programmes and rely on outside organisations. SPCS also noted that it has submitted a proposal to the Church of Latter Day Saints to provide medical assistance and is currently in the process of hiring a doctor/ nurse.

For prisoners who fall ill, SPCS usually prioritizes and ensure that they are transported to see a doctor at the nearest hospital. This is the current practice according to staff. However, some inmates interviewed at Tafa'igata stated that sometimes their requests to see a doctor are ignored by staff. For female inmates at Tafa'igata in particular they are usually isolated from everyone especially if they have a contagious illness such as the flu. A room has been set up for this purpose.

However, there are issues in addition to the absence of a nurse and irregularity of health checks. These include unavailability of on-the-go medical supplies such as Panadol, Pepto-Bismol and others, as well as issues where inmates have falsified their illnesses in order to get special treatment. The latter according to SPCS is a common occurrence.

Compliance level with recognized standards



Recommendations:

4. SPCS must appoint/ recruit (or work with MOH) a Visiting Medical Officer as per section 19 of the PC Act and that the Visiting Medical Officer must visit each prison at least once every 3 months (as per section 21 of the PC Act) to assess the conditions of the prisons and health of inmates.
5. SPCS to work with Ministry of Health and other health services to conduct health drills for prisoners on a quarterly basis for both infections and non-infectious diseases.
6. SPCS must have in place on-the-go medication/ first aid kit for treatment of illnesses rather than relying on doctor visits.

REHABILITATION FOR PRISONERS



Prisons should offer education, vocational training, work, and any other assistance needed for the purpose of rehabilitation/ resocialisation and reintegration. ~ [Mandela Rules 4, 88, 89, 91-94, 96-108]

Provide meaningful activities that supports prison management as well as the mental health and rehabilitation of prisoners. Opportunities for sport and a prison library must be provided for prisoners. Prisoners must also be allowed to practice their religion. ~ [Mandela Rules 4, 23, 64-66, 105]

Prison should offer classes of the same level as the community education system and should be available to all prisoners. For illiterate or young prisoners, education is compulsory. ~ [Mandela Rule 104]

Relevant provisions and regulations: [PC Act Sections 4(2)(c), 39 (1)(a), 39 (1)(e), 47 (1)(a), 47 (1)(d), 47 (1)(e), 49, 50, 51 (1)(d)]; [PC Regulations 52 (1)(n)]

Prison facility	Recommendations	Grading
All (2015)	Develop educational and vocational training and rehabilitation programs for prisoners	C
Tafa'igata (2016)	SPCS should implement rehabilitation, educational and vocational activities for prisoners as planned. This should be compulsory for young prisoners	C

The programmes offered to assist with the rehabilitation of inmates are generally good but sometimes irregular according to some inmates. SPCS offers a variety of programmes based on the offending behaviours of inmates that need attention as well as the development of new trade skills. Programmes include educational, life skills, psychological and spiritual trainings. Currently, because of the relocation to Tanumalala all programmes have been put on hold (for all facilities). Regardless of this Oloamanu and Vaia'ata facilities still carry out their own programmes to assist inmates get back on track. However, it was highlighted by some inmates and also by staff that majority of the programmes are concentrated on spiritual teachings (carried out mostly by church groups) and basic life skill courses. For Oloamanu Centre, literacy and numeracy courses are offered for inmates and there is also a computer room and a music room.¹³ Inmates are also allowed to play sports every evening for an hour, the same for Vaia'ata. Tafa'igata on the other hand, inmates are not allowed to play sports but they have a library (with limited access) and a church.

Overall, although numerous programmes are in place for inmates they are not as comprehensive and meaningful as they could be. The focus on spiritual teachings although beneficial in many respects does not in itself assist with fully rehabilitating prisoners. Some inmates echoed the need to have more vocational related programmes such as carpentry and mechanical work. This is because when they are released from prison they will be able to find employment and reintegrate back into society. Having

¹³ Juveniles who are part of the music classes sometimes travel around schools to perform. This has been a great avenue for juveniles to showcase their talents.

comprehensive and meaningful rehabilitation programmes in place is crucial in preventing recidivism and assist prisoners re-socialize and reintegrate back into society after serving time. Programmes should be individualized, meaningful and diverse. All programmes are developed by the Tafa'igata prison. SPCS acknowledged the need to continue consultations with the Office as well as other relevant agencies to develop programmes for inmates.

Compliance level with recognized standards



Recommendations:

7. SPCS to strengthen rehabilitation programmes and ensure they are individualized, meaningful and diverse to assist with rehabilitation of prisoners. These programmes must be continuous as well as monitored and evaluated to assess impact.
8. SPCS to ensure that prisoners especially juveniles receive the same level of education as the community education system.
9. SPCS to actively consult the Office and other relevant stakeholders to assist with the development of comprehensive and meaningful rehabilitation programmes for prisoners.

RECORD MANAGEMENT



A standardized prisoner file management system must be in place. Whether an electronic database or paper-based system, a secure audit trail is critical for preventing unauthorized access to or modification of any files. ~ [Mandela Rules 6, 10]

Each file should include information on a whole range of issues affecting a prisoner, including their personal data, date of release and/or transfer, the status of their legal case, classification reports, disciplinary sanctions and complaints made. Individual medical files should also be kept, separately and confidentially, and be accessible to the prisoner. ~ [Mandela Rules 7-9, 26, 92]

Relevant provisions and regulations: [PC Act Sections 31(2), 37]; [PC Regulations 20 (1)(m), 29, 52 (1)(h), 62 (1)(f), 62 (1)(g), 62 (1)(i)]

Prison facility	Recommendations	Grading
All (2015)	Develop an electronic Prisoners Management Record System	F
Tafa'igata (2016)	SPCS should have clear record keeping and ensure all records are up to date.	C
	SPCS should create and maintain a Complaints Record Registry which includes inter alia, the date a complaint is	D

	received, the nature of the complaint and outcome decided by SPCS.	
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Previous DCIRs identified incomplete and lack of proper record keeping as one of the most concerning issues at the prisons. Since then, there have been improvements in the Tafa'igata prison where they now have a warrant of arrest and release , custody book, diary for custody hearings, telephone book, and a property book (for receivables and for prisoner property when they arrive). They do not however, have a medical book as well as disciplinary sanctions and complaints record book. Despite the availability of some of the books for record keeping, there is a still a major gap in that most of them are not comprehensive, records are not entered correctly and some are incomplete. The same applies for Oloamanu and Vaia'ata despite the records being stored and locked away safely. This is a serious concern which not only violates the rights of the prisoner but also puts the center at risk especially when it comes to investigations. SPCS has noted that it will prioritize effective record keeping at the new facility.

Compliance level with recognized standards



Recommendation:

- SPCS to ensure that records are properly managed and that relevant record books are in place, and also for information recorded to be comprehensive and complete.

COMMUNICATION AND VISITATION



Prisoners are allowed to receive visits and to contact their family and friends through other means such as by phone or letters. Visiting restrictions must not be used as a disciplinary measure. Prisoners have the right to inform friends or family about their imprisonment, transfer and of serious illness or injury and prisoner should also be authorized to visit or attend the funeral of a near relative. ~ [Mandela Rules 43, 58-60, 68, 70]

Prison facility	Recommendations	Grading
All (2015)	Install phone(s) for persons in custodies and prisoner use to contact families and lawyer.	C

Currently, inmates at Tafa'igata can make calls to their families from an allocated Office phone. Times for making phone calls are from 10m-6pm. Each facility has a book that records all incoming and outgoing calls. For the Vaia'ata prison, inmates are only able to receive calls but are not able to call out. This is because the phones for calling are not provided with credit. Inmates at Oloamanu center are only allowed to call families on the weekends and can only speak for no more than three minutes. However, families

can call in whenever they want. SPCS notes that it will ensure that telephone and internet access is improved for Vaia'ata and all its centers for more effective and efficient communication.

In relation to visitation, all three centers have a visitation practice in place (but no written policy) where families can visit inmates during scheduled hours. For Tafa'igata, visitation times are strictly monitored whereas the other two centers it is more relaxed. One of the reasons is because families hardly visit the other two centers. This is not because they are not allowed but for Oloamanu in particular, families rarely visit because the center is remote and isolated and the road to the center is of a bad condition. To resolve this issue, the Oloamanu center transports inmates (especially juveniles whose families live far away like in Aleipata) to Tafa'igata for the day where their families can come visit as it is more convenient and then the inmates are transported back after.

Compliance level with recognized standards



Recommendation:

11. SCPS must ensure that all facilities have a phone for prisoners to use to contact families. These should be regularly topped up with credit.

RELOCATION AND NEW PRISON

Prison facility	Recommendations	Grading
Oloamanu (2015)	Relocate Oloamanu Juvenile Centre to allow for easy access for family and visitors to visit juveniles and to hospital and other emergencies	F
All (2015)	Engage Ombudsman Office in design of new prison in order to meet standards of detention accommodations.	F
Tafa'igata (2016)	SPCS should renovate the kitchen and storage room so that prisoners are safe and live in a clean facility free of rat and cockroach infestation	B
	The Government in conjunction with SPCS and relevant stakeholders should fast track the construction of a new prison facility in order to: <ul style="list-style-type: none"> • Reduced escapes • Improved hygiene • Less crowded in cells • Classification of prisoners is implemented 	B

All inmates from the Tafa'igata prison will be relocated to new Tanumalala prison early July. Work is already underway to ensure that prisoners are transported securely and safely. The opening of the new prison will be on the 28 June 2019. Although the Office was not consulted in the design of the new prison at Tanumalala, it is anticipated that the new site will address some of the recommendations by the Office and be compliant with human rights minimum standards for places of detention.

There are also talks to relocate prisoners housed at Oloamanu center to where the new prison facility is. The new juvenile center will be build separate from the main prison but in the same area. Prisoners at Vaia'ata are also expected to be relocated within the same compound but to a new facility. Groundbreaking work took place earlier in the year and construction of the facility is expected to be ready before end of the year.

Compliance level with recognized standards



Recommendation:

12. SPCS to relocate Oloamanu Juvenile Centre to allow for easy access for family and visitors to visit juveniles and to hospital and other emergencies.

TRANSPORTATION



Prisoners should be transported in adequate conditions, and should be exposed to public view as little as possible. If a prisoner is moved to another prison, their medical files should also be transferred. ~ [Mandela Rules 26(2), 73]

Relevant provisions and regulations: [PC Act Sections 34]; [PC Regulations 57]

Prison facility	Recommendations	Grading
All (2015)	Improve transportation for inmates in order to attend to medical emergencies or any other matter related to his/her detention.	C

SPCS currently has sufficient vehicles to transport the current prison population for all three facilities. However, Oloamanu center based on previous DCIRs required vehicles for transporting inmates to hospital, plantations and other places. The center now has 2 vehicles which is sufficient considering the population. However, the only concern is that when both vehicles are away and something happens e.g. someone falls ill and needs to see a doctor, then this will be an issue. Furthermore, the condition of the road to Oloamanu further contributes to the inconvenience. The current road is in a poor state and requires fixing. Because of this it has prevented families visiting as well as also a concern in times of

emergencies. SPCS currently plans to submit proposals to development partners for assistance in providing SPCS with enough vehicles to assist with their work.

Compliance level with recognized standards



Recommendation:

13. SPCS to ensure that all facilities have enough and secure vehicles to transport prisoners.

REVENUE



Servitude, slavery or requiring prisoners to work for the personal or private benefit of any prison staff is prohibited. Any work should be useful for a prisoner's job prospects after release or be remunerated, and take place in safe and legal conditions. Prisoners must not be employed in a disciplinary capacity. ~ [Mandela Rules 40, 96-103]

Relevant provisions and regulations: [PC Act Sections 47(3), 49]

Prison facility	Recommendations	Grading
Tafa'igata (2016)	SPCS 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 so that prisoners are aware and up to date with the proceeds.	C

The Tafa'igata prison now has a system in place where proceeds from the sale of prisoners produce are recorded. This information is also disclosed to the inmates. In relation to distribution, the prison keeps 30% and 70% goes to the prisoner. The 30% retained by SPCS is used to assist with the running of the prison. Oloamanu and Vaia'ata are the same, where both centers have set up an account for all proceeds earned from produce sales. The proceeds are used by inmates to buy what they want and also purchase resources needed by inmates for their plantation and gardens. For Vaia'ata it is a 50/50 split according to one inmate.

Compliance level with recognized standards



Recommendation:

14. SPCS to ensure more transparency and effective utilization of revenue earned from prisoner sale of their produce. The statements of the sales should be widely distributed to the prisoner population so that they are updated on the positive and productive aspects of their labor.

RECRUITMENT & STAFF TRAINING



To enable them to professionally fulfil their duties, prison staff need continuous training opportunities. Such training should reflect evidence-based best practice, must be provided before and during their employment, and should include the use of force, working with certain categories of prisoners, and the concept of dynamic security. A dynamic security approach combines positive staff-prisoner relationships with fair treatment and purposeful activities for prisoners that contribute to their future reintegration into society. ~ [Mandela Rules 75, 76]

As prison management is a difficult task, careful selection of prison staff is required because professional prisons depend on their integrity, humanity, professional capacity and personal suitability. Only female staff should supervise women prisoners. ~ [Mandela Rules 74, 81]

Relevant provisions and regulations: [PC Act Sections 6 (11)(g), 6 (11)(i), 38 (3)(a), 44 (3), 44 (4)]; [PC Regulations 5 (2)(a), 5 (3), 5 (4)]

Prison facility	Recommendations	Grading
All (2015)	Develop effective training programmes for all prison staff to increase their knowledge, understanding and awareness on relevant areas (e.g.) use of force, first aid, restraining mental health prisoners, and human rights obligations.	C
Tafaigta (2016)	SPCS should provide to officers regular educational training including an overall correctional services and human rights law regarding the treatment of prisoners.	C
	SPCS should undergo training in relevant internal standards of places of detention and the restriction of liberty of juvenile offenders.	C
	SPCS should recruit more officers to ensure that the prison is secure, reduce escapes and that officers have enough time to rest.	B

TRAINING: Staff trainings are irregular. The last training carried out for officers was in July 2017. SPCS previously had a partnership with the Australian Federal Police where they provided support to build the capacity of officers in various areas. However, this partnership no longer exists due to issues with the content and type of support which was not really sustainable for SPCS. Therefore, trainings for officers are

on hold internally. However, officers are sent to external trainings held by other agencies including trainings by the Office on standards and human rights.¹⁴

Junior officers receive mentorship from senior officers. Some of the officers interviewed indicated the need for continuous trainings to build their capacity and that for these trainings to be in various areas such as on the law, how to deal with high risk prisoners, use of self-defense and force. Currently, a lot of the work is carried out based on instructions and practice which in some cases may not be appropriate or adequate. For example, in cases where there is a serious case of violence between two inmates or if there is a hostile inmate, they are either referred to solitary confinement or senior officials try and reconcile the matter and counsel the inmates themselves.

PRISON STAFF: One of the main and continues to be the main challenge for SPCS is the staff turnover. SPCS recently received an increase in its budget from Government to assist with the hiring of extra staff and also generally with the daily operation of prisons. Despite the hiring of new staff, more staff is still needed. Oloamanu currently has 11 staff with a prison population of 42 inmates. Vaia'ata has 13 officers with a prison population of 45. Tafa'igata has more than 50 officers including management and caters for a prison population of 300+. The need for more staff to look after and manage the three centers was echoed by the Commissioner and staff themselves as this will help make work easier and also safer.

Compliance level with recognized standards



Recommendations:

15. SPCS (working with the Office, relevant agencies and partners) must ensure that staff receive proper and adequate training in all areas including training on the use of force, use of restraints, on the law etc. to ensure that officers comply with the recognized standards. These trainings must be regular and also monitored and evaluated.
16. SPCS to continuously request to Government for more support in the hiring of more staff to cater for the increasing prison population.

¹⁴ The Office has carried out two trainings for prison officers, one in 2016 and one recently in April 2019. The trainings covered topics including national laws that guide prison officer work, gender analysis and sensitization, and most importantly the international human rights minimum standards for places of detention i.e. Mandela Rules.

POLICIES & PRACTICES – induction, searches, prisoner property, complaints, parole etc.



Information that should be collected and entered into the prisoner file now includes, for example, names and location of family, and any visible injuries or complaints about prior ill-treatment. ~ [Mandela Rules 7, 8]

When prisoners arrive, they must be given information about the prison regime, including prison rules and how to access legal advice – in a language and manner they understand. ~ [Mandela Rules 54, 55]

Procedures for searches must be laid down in law or regulations and any search conducted must be necessary and proportionate. Search procedures must respect the dignity and privacy of the prisoner, and not be used to harass or intimidate. Invasive body searches is the last resort, and the findings of searches need to be recorded. Searches of visitors should also be carried out properly. ~ [Mandela Rules 50-53, 60]

The prison must place any property belonging to the prisoners (that they are not allowed to keep with them) in safe custody, alongside a signed inventory. Any property should be returned to them in good condition on their release. ~ [Mandela Rules 7, 67]

Prisoners must be medically examined as soon as possible after arrival to assess healthcare needs, give treatment and also identify any psychological or other stress and any signs of ill-treatment, which should be documented and reported. ~ [Mandela Rules 30, 34]

Relevant provisions and regulations: [PC Act Sections 13(d), 29]; [PC Regulations 20 (1)(l), 61]

Prison facility	Recommendations	Grading
All (2015)	Establish a standard uniform induction process which includes medical assessment, briefing for prisoners of all matters relevant to their detention. The same should be done for custody prisoners.	C
Tafaigata (2016)	SPCS should install a locked box for prisoner's complaints. This mailbox should be checked daily by the Custodies Manager/Assistant Commissioner.	B
	SPCS should look at ways that both elderly and children visitors are allowed to visit the prison without causing security issues for the officers.	B
	SPCS 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.	B
Vaiaata (2017)	SPCS should ensure safety protocols are in place for staff to guarantee safety.	C
	SPCS should consider reviewing its policy on the detainment of prisoners in police outposts and determine	B

	whether the rehabilitation needs of the prisoners are achieved with such arrangements.	
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INDUCTION FOR STAFF: SPCS carries out an induction for new staff. This is also conducted during their training before they became prison officers. However, the induction process currently is incomplete and not comprehensive. SPCS intends to develop a full induction program and process once adequate resources and staff have been acquired and with the relocation, finalizing this is greatly needed.

INDUCTION FOR PRISONERS: According to SPCS, prisoners are given information upon arrival at the prison which includes rules and consequences when rules are broken, activities, work regime, rehabilitation programmes, break times and others. The three facilities also conduct questioning of prisoners of any permanent illness or condition that they need to be aware of. This is carried out by prison officers and not medical officers.

SEARCHES UPON ARRIVAL: The practice is that all inmates are searched upon arrival and their belongings which are not permitted to be taken with them to the cells are recorded and stored. This process is usually done at Tafa'igata before they are transferred to other facilities. Searches of inmates are usually done by officers of the same sex/ gender. For visitors, SPCS has also reinforced its check points at the entrance where everyone is searched. This is a new development and a positive one to ensure the safety of everyone.

COMPLAINTS: Tafa'igata recently installed a complaints box for inmates to submit their complaints. The Commissioner is the only person privy to these complaints. Complaints are assessed by the Commissioner and resolved. However, on the day of inspection records of these (resolved and unresolved complaints) were absent and could not be located.

For Vaia'ata and Oloamanu, complaints by inmates against prisons officers are lodged with the Officer in Charge. This is done verbally. The Officer in Charge assess and resolves the complaint. There is no recording of complaints as records were not located during the inspection visits (similar to Tafa'igata). It was also noted that it is standard practice that when a prisoner complains it is usually done verbally and is resolved there and then through reconciliation.

WEEKEND PAROLE: Currently the practice is that inmates who are imprisoned for high risk offences such as murder, manslaughter etc. are not allowed for parole. Currently, due to issues of many escapes, SPCS has now made amendments to its laws that inmates who are allowed on parole, only get to go out for three weekends of the year and not every weekend.

VISITATION POLICY: To rectify the issue of safety where families bring along children when they come and visit their families in prison, SPCS has developed a policy on visitation. The policy is currently in draft form. The policy will address issues of safety of everyone both families and staff. Furthermore, it also outlines boundaries and responsibilities of both officers and visitors alike. In the meantime, visitors are warned that it is their responsibility to look after their children if they bring them to the centers.



Recommendation:

17. SPCS must prioritize finalizing existing draft policies as well as draft new policies to cover the areas of complaints, induction, parole and visitation. These policies should be rolled out to the staff to raise awareness and ensure that they are carried out in practice.

OTHER ISSUES – e.g. custody prisoners, cell searches and contraband, punishment and solitary confinement, consent to take part in activities etc.



Solitary confinement¹⁵ should only be used in exceptional cases, as a last resort, for as short a time as possible (due to its physical and mental impact), after authorization by a competent authority, and subject to independent review. Indefinite and prolonged solitary confinement (of more than 15 days) is prohibited entirely. ~ [Mandela Rules 43-46]

Instruments of restraint that are inherently degrading or painful are prohibited. The use of any other instrument is subject to strict conditions: their use is only legitimate if no lesser form of controlling an actual risk is available and they must be removed as soon as possible. ~ [Mandela Rules 43, 47-49]

Except in cases of self-defense or attempted escape, staff should not use force on prisoners. Any use of force must not exceed what is strictly necessary, and should subsequently be reported. Arbitrary or abuse of the use of force be punishable as a criminal offence. ~ [Mandela Rule 82]

Relevant provisions and regulations: [PC Act Sections 22(3)(b), 27 (7)(c), 28(1)(d), 39 (1)(b), 44, 46, 48]; [PC Regulations 20 (1)(c), 20 (1)(d), 48, 50]

Prison facility	Recommendations	Grading
Tafaigata (2016)	SPCS should implement consent forms from prisoners who agree to perform outside prison. SPCS should ensure that there is no retribution be made against prisoners should they wish not to join the choir.	C

¹⁵ The Mandela Rules define solitary confinement as confinement for more than 22 hours per day without meaningful human contact. Interpretation of ‘meaningful human contact’ should recognise the suffering that any person will experience if isolated from and deprived of contact with other human beings.

CUSTODY PRISONERS: SPCS currently faces a challenge with custody prisoners in that it does not have enough space to detain them. The time in which custody prisons are kept at the centers is reliant on the Police and the courts. SPCS does not necessarily want to hold these people at the site for long, however it is the police's and court's call for when they need them for hearing. If the court takes 5 weeks then that is how long SPCS will keep them unless someone is bailed out. This is a continuing challenge particularly Tafa'igata as it does not have adequate space and sufficient human capacity to cater for such situations. For prisoners who were detained in police outposts in the past, all have been removed from police outposts and housed in either of the three facilities in both Upolu and Savaii.

CONSENT: At the moment SPCS seeks permission of all inmates before they are to be involved in daily activities e.g. choir and others. For Oloamanu and Vaia'ata it is routine that inmates take part in plantation work as well as in literacy and numeracy classes especially for Oloamanu Centre. Tafa'igata has more restrictions around daily activities due to the uncontrollable number and also for security reasons.

SEARCHES OF CELLS: SPCS carries out regular searches of the prison cells mainly at the Tafa'igata center for safety reasons and also to investigate that inmates are not concealing prohibited objects or matters in the cells. Some of the searches that have been conducted in the past have discovered items including cannabis, sharp objects and others which as per SPCS policy are not allowed in the cells and are removed. SPCS noted that it is currently looking at recruiting an Independent Prison Inspector to carry out regular inspections of prison facilities subject to funding being available.

COURT TRIALS: SPCS is working on a request to have inmates and untried prisoners attend court mentions via video link. This will save us time and money and transport. This will also ease the burden on staff and resources to transport inmates to the court house.

DISCIPLINE AND SANCTIONS: The usual punishment for prisoners who misbehave, escape or breach rules within the centers is solitary confinement for 21 days which is the standard timeframe.¹⁶ Although according to SPCS, most of the time inmates are released after 6 days for males and 3 days for females. During the inspection visit, some of the inmates detained in solitary cells were placed there because of minor misbehavior, escaping prison, or causing scuffle within the cells. For the prisoner who was confined because he escaped the team was told that he had been there for more than two weeks and was kept in the cell without any clothes and a bucket as a toilet. SPCS has noted that it will be looking at reviewing its disciplinary and sanctions practices to ensure they are compliant with human rights standards.

Compliance level with recognized standards



¹⁶ *Prisons and Corrections Regulations 2014*, regulation 50.

Recommendations:

18. SPCS must review its discipline and sanctions practice to ensure that they are consistent with human rights and national standards in particular solitary confinement practice. This should be less than 15 days rather than 21 days as the Regulations currently stipulates.
19. SPCS must ensure that inspection of prison facilities by independent prison inspectors are carried on regularly and that outcome of these inspections must be actioned to ensure that any issues identified during the process are addressed.
20. SPCS must ensure that custody prisoner are not treated the same as convicted prisoners given that have yet to be trialed.

LIST OF RECOMMENDATIONS

The following table provides recommendations and actions for the consideration of SPCS to address within the specified timeframes. The next inspections by the Office will follow up on the progress of these recommendations.

FOOD & WATER SUPPLY

1. SPCS to work with Samoa Water Authority to ensure that prisoners at Vaia'ata receive access to clean water daily.

LIVING CONDITIONS AND HYGIENE

2. SPCS to ensure that prisoners at Vaia'ata sleep on stable beds and that foundation of the floors and fixed and rooms receive pest control treatment to eliminate health risks to prisoners.

SEPARATION & CLASSIFICATION

3. SPCS to classify and separate prisoners especially
 - a. No children/ juvenile should be detained with adults – this should be strictly prohibited;
 - b. Prisoners with minor convictions are separated from prisoners with serious convictions;
 - c. Persons with disability or mental illness are kept separate and are provided with special monitoring.
 - d. Custody and convicted prisoners should not be detained together.

HEALTH

4. SPCS must appoint/ recruit (or work with MOH) a Visiting Medical Officer as per section 19 of the PC Act and that the Visiting Medical Officer must visit each prison at least once every 3 months (as per section 21 of the PC Act) to assess the conditions of the prisons and health of inmates.
5. SPCS to work with Ministry of Health and other health services to conduct health drills for prisoners on a quarterly basis for both infections and non-infectious diseases.

6. SPCS must have in place on-the-go medication/ first aid kit for treatment of illnesses rather than relying on doctor visits.

REHABILITATION FOR PRISONERS

7. SPCS to strengthen rehabilitation programmes and ensure they are individualized, meaningful and diverse to assist with rehabilitation of prisoners. These programmes must be continuous as well as monitored and evaluated to assess impact.
8. SPCS to ensure that prisoners especially juveniles receive the same level of education as the community education system.
9. SPCS to actively consult the Office and other relevant stakeholders to assist with the development of comprehensive and meaningful rehabilitation programmes for prisoners.

RECORD MANAGEMENT

10. SPCS to ensure that records are properly managed and that relevant record books are in place, and also for information recorded to be comprehensive and complete.

COMMUNICATION AND VISITATION

11. SCPS must ensure that all facilities have a phone for prisoners to use to contact families. These should be regularly topped up with credit.

RELOCATION AND NEW PRISON

12. SPCS to relocate Oloamanu Juvenile Centre to allow for easy access for family and visitors to visit juveniles and to hospital and other emergencies.

TRANSPORTATION

13. SPCS to ensure that all facilities have enough and secure vehicles to transport prisoners.

REVENUE

14. SPCS to ensure more transparency and effective utilization of revenue earned from prisoner sale of their produce. The statements of the sales should be widely distributed to the prisoner population so that they are updated on the positive and productive aspects of their labor.

RECRUITMENT & STAFF TRAINING

15. SPCS (working with the Office, relevant agencies and partners) must ensure that staff receive proper and adequate training in all areas including training on the use of force, use of restraints, on the law etc. to ensure that officers comply with the recognized standards. These trainings must be regular and also monitored and evaluated.
16. SPCS to continuously request to Government for more support in the hiring of more staff to cater for the increasing prison population.

POLICIES & PRACTICES – induction, searches, prisoner property, complaints, parole etc.

17. SPCS must prioritize finalizing existing draft policies as well as draft new policies to cover the areas of complaints, induction, parole and visitation. These policies should be rolled out to the staff to raise awareness and ensure that they are carried out in practice.

OTHER ISSUES – e.g. custody prisoners, cell searches and contraband, punishment and solitary confinement, consent to take part in activities etc.

18. SPCS must review its discipline and sanctions practice to ensure that they are consistent with human rights and national standards in particular solitary confinement practice. This should be less than 15 days rather than 21 days as the Regulations currently stipulates.
19. SPCS must ensure that inspection of prison facilities by independent prison inspectors are carried on regularly and that outcome of these inspections must be actioned to ensure that any issues identified during the process are addressed.
20. SPCS must ensure that custody prisoner are not treated the same as convicted prisoners given that have yet to be trialed.

FOLLOW-UP ACTION

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.

APPENDICES

- Timeline of visits and programme
- Photos

Tafaigata and Oloamanu site visits

Programme

Team: Maualaivao P Seiuli, Loukinikini Vili, Charles Dean, Leota Taalo Leota, ieti Seiuli	
Site specific objectives: <ul style="list-style-type: none"> • Obtain information regarding work undertaken by SPCS to implement recommendations contained in the 2015 and 2016 DIRs • Examine and identify progress made, gaps as well as issues and areas that require improvement etc. both in the execution of the role of staff as well as the treatment of detainees • Discuss and identify some of the challenges faced in implanting the recommendations and what have been some of the solutions/ strategies (if any) that have been put in place to resolve/ combat these • <i>Added:</i> Special Investigations Unit: scoping exercise on administrative gaps to formulate a professional standards unit for SPCS 	
9am	Meet Office of the Ombudsman – take IDs as well as interviewee consent forms as well as other necessary equipment/ resources
9.30am – 12.30pm	<p>Welcome - identify purpose of inspections and approach that will be taken</p> <p>Discussion with Management re recommendations and inquire about work carried out, identify gaps and areas that have not been looked into etc.</p>
12.30pm – 1pm	Lunch break
1pm – 2pm	<p>Tour of facilities</p> <p>Areas of focus:</p> <ul style="list-style-type: none"> • Office – systems, policies, practices • Cells – water, conditions, etc. <p>NOTE: safety of Staff is important and paramount, therefore is it required that they be accompanied by Prison Staff during tours</p>
2pm – 3.15pm	<p>Interview staff</p> <p>Required interviews:</p> <ul style="list-style-type: none"> • 3-4 – high ranking officers • 3-4 – general staff <p>Team debrief on discussions and add any additional issues to afternoon</p>
3.15pm – 4.30pm	<p>Interview detainees</p> <ul style="list-style-type: none"> • Achieve a cross section of the demographics detained and conduct as many interviews as possible within timeframe permitted) <p>Team debrief on discussions and add any additional issues to afternoon</p>
4.30pm – 5pm	Final talk with Commissioner and staff

Vaiaata Prison (Savaii) site visits

Programme

Team: Loukinikini Vili, Charles Dean, Lagafuaina Tavita, Leota Taalo Leota, Ieti Seiuli	
Site specific objectives: <ul style="list-style-type: none"> Obtain information regarding work undertaken by SPCS to implement recommendations contained in the 2015 and 2016 DIRs Examine and identify progress made, gaps as well as issues and areas that require improvement etc. both in the execution of the role of staff as well as the treatment of detainees Discuss and identify some of the challenges faced in implanting the recommendations and what have been some of the solutions/ strategies (if any) that have been put in place to resolve/ combat these <i>Added:</i> Special Investigations Unit: scoping exercise on administrative gaps to formulate a professional standards unit for SPCS 	
6am	Meet Office of the Ombudsman – take IDs as well as interviewee consent forms as well as other necessary equipment/ resources. Also make sure to buy lunch for staff.
7am	At wharf to board 8am ferry to Savaii
9.30am – 10.30pm	Welcome - identify purpose of inspections and approach that will be taken Discussion with Management/ OIC and officers re recommendations and inquire about work carried out, identify gaps and areas that have not been looked into etc.
10.30pm – 11.00pm	Tour of facilities Areas of focus: <ul style="list-style-type: none"> Office – systems, policies, practices Cells – water, conditions, etc. NOTE: safety of Staff is important and paramount, therefore is it required that they be accompanied by Prison Staff during tours
11.00pm – 12.00pm	Interview staff and detainees Required interviews: <ul style="list-style-type: none"> 2 – staff Detainees: Achieve a cross section of the demographics detained and conduct as many interviews as possible within timeframe permitted)
12.00pm – 12.45pm	Final talk with OIC and ask final questions etc.
12.45pm	Make way back to the ferry to catch the 2pm ferry back to Upolu

TAFAGATA PRISON FACILITY IN PICTURES

male prison



TAFU'IGATA PRISON FACILITY IN PICTURES

women prison



TAFa'IGATA PRISON FACILITY IN PICTURES

Solitary confinement cells



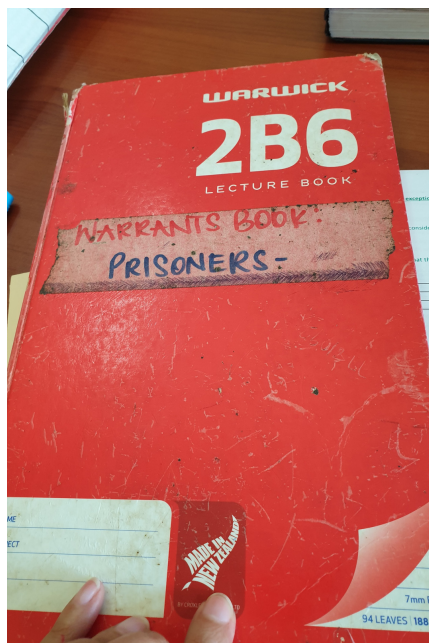
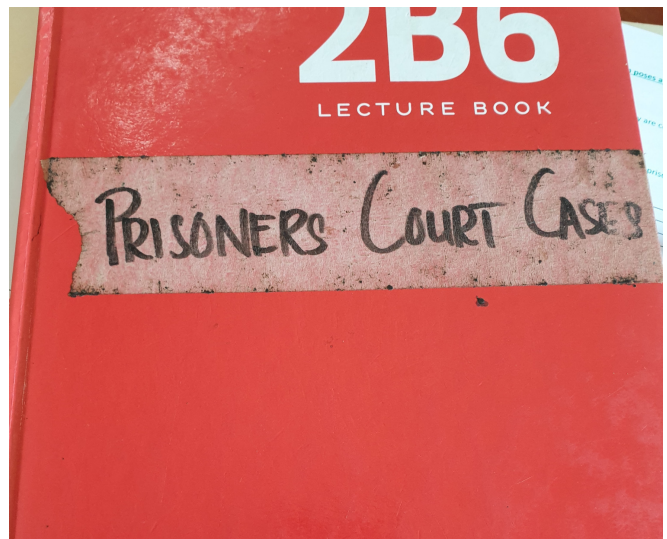
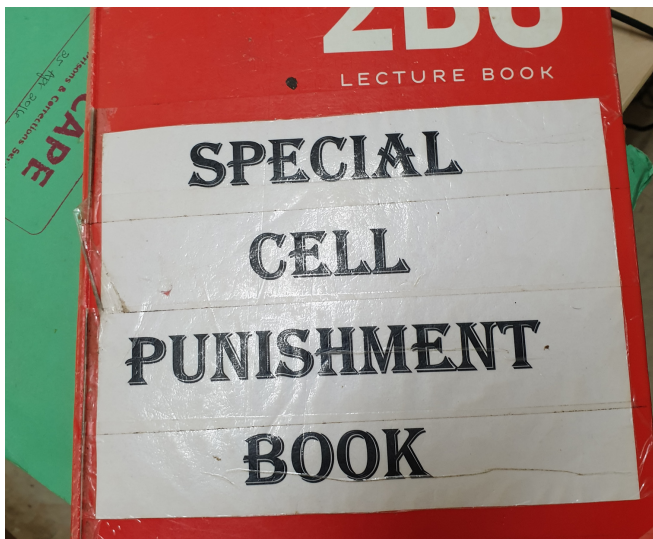
TAFa'IGATA PRISON FACILITY IN PICTURES

kitchen & cooking quarters



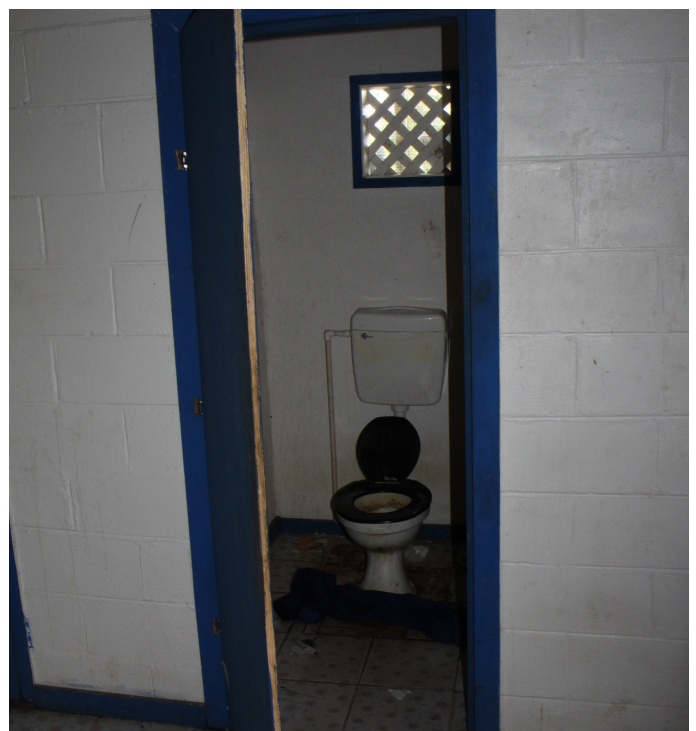
TAFa'IGATA, OLOAMANU, VAIA'ATA PRISON FACILITIES IN PICTURES

record keeping



OLOAMANU JUVENILE CENTER IN PICTURES

inmates sleeping quarters & bathrooms



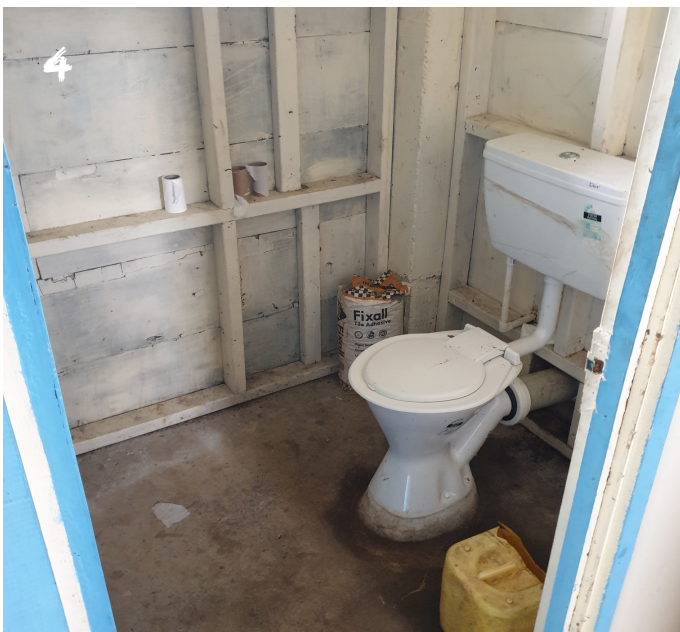
OLOAMANU JUVENILE CENTER IN PICTURES

(1) cooking quarters (2) food storage (3) water tank (4-5) solitary cells



VAIA'ATA PRISON FACILITY IN PICTURES

- (1) main house for inmates (2) sleep-out for older inmates (3) sleep-out for youth (4) bathroom in open fale
(5) bathroom in main house



VAIA'ATA PRISON FACILITY IN PICTURES

- (1) cooking area (2) food storage (3) water tank (4) plantation
(5) living room



PRISON FACILITY IN PICTURES - RECREATIONAL AREAS

(1) Tafa'igata Hall (2) Oloamanu leisure area (3) Oloamanu classroom (3) Vaia'ata volleyball field
(4) Vaia'ata Hall





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