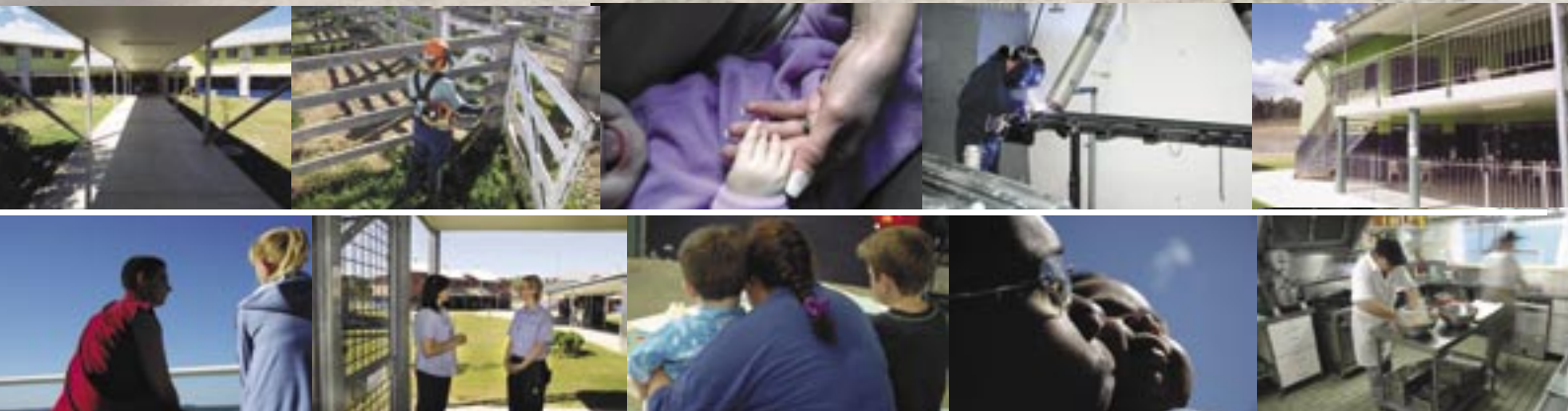


Department of Corrective Services

response to
The Anti-Discrimination Commission Queensland
Women in Prison Report



March 2006

Department of Corrective Services

Response to the Anti-Discrimination Commission Queensland's review into women in prison

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PART ONE: FOREWORD

Introduction

The Queensland Department of Corrective Services (the Department) is committed to upholding the principles of the *Anti-Discrimination Act 1991* and welcomes this review by the Anti-Discrimination Commission Queensland (ADCQ). The Department notes that the ADCQ, after comprehensive review and consultation taking over 18 months and resulting in the Review of Women in Prison Report (the Report), did not make one specific finding of discrimination by the Department on the basis of gender.

Whilst the Department has considered and takes seriously all recommendations contained in the Report, it should be noted at the outset that many issues and recommendations in the Report had been previously identified by the Department in a number of significant internal reviews (which will be discussed below) conducted over the last two years. As a result, the Department has either addressed or commenced addressing many of these matters.

The Department has cooperated fully with the ADCQ in its Review of Women in Prison and, as has been acknowledged in the Report, has provided the ADCQ with full access to correctional facilities, staff, prisoners and departmental documentation.

One of the Department's key values is learning, and as such is focused upon the continual improvement of its operations. Where the Report has provided the Department an opportunity to improve its delivery of service in various areas, particularly in relation to women prisoners, it will be embraced by the Department.

However, as is stated above, over the last two years the Department itself has embarked upon a number of major reviews of its operations which include the Business Model Review, Legislation Review and the Offender Programs and Services Reform Agenda which have prompted significant reform within the Department. Many of the recommendations contained in the Report are consistent with changes to policy and practice that has been driven by these departmental reviews and the Department has implemented or will shortly implement many of these changes.

The Department's Legislation Review involved a major review of the *Corrective Services Act 2000*. As part of the review, a significant consultation process was undertaken from September 2004 to March 2005 which attracted submissions from 127 community groups, individuals and prisoners. As part of the consultation process the ADCQ was specifically invited to make submissions at the time, however, despite having embarked upon the Review of Women in Prison in 2004, the ADCQ did not make any submission to the Legislation Review.

While the Department welcomes the Report it should be indicated that it does not accept the Report or the recommendations in their entirety and it should not be assumed that there is blanket adoption of the recommendations. There are areas where the Department believes that the ADCQ has simply got it wrong. It must be made clear at the outset that the Department recognises and respects the ADCQ as experts in the area of anti-discrimination practice and law and has and will defer to this expertise. However, the Department is an expert in correctional management and while the ADCQ has spent approximately 18 months investigating and researching the correctional system, the Department (with specialised policy areas) has spent many more years in such a pursuit.

The correctional system and its various parts are extremely complex and it is appreciated that over the 18 month period the ADCQ has had to analyse a significant amount of information and develop an understanding of a vast array of systems and procedures.

Unfortunately, the ADCQ did not seek to test any of its assumptions, findings or recommendations with the Department. The Department was not given the opportunity to attempt to correct any possible misinterpretations, inaccuracies or incorrect assumptions nor was it given the opportunity to demonstrate in relation to each specific recommendation where it had or planned to reform its policy or practice despite a request by the Department that this occur. In these circumstances it is understandable that the Report may be somewhat incomplete or contain some inaccuracies.

ADCQ Methodology

The Department acknowledges that the ADCQ has invested significant resources into the Review over the last 18 months and has examined a vast amount of the Department's operations as they relate to women. However, it is disappointing that the ADCQ did not in the Report deal in any substantial manner with what could be described as best practice in both Australian and overseas jurisdictions.

In the departmental reviews discussed above, the Department has undertaken significant evaluation of best practice correctional operations in Australian and international jurisdictions.

The Department over the years has also had to deal with operating a correctional system in the context of the demands of today's society. The difficulties of dealing with a rapidly growing prison population, the challenges of building new correctional facilities in a community where attitude to prisons and prisoners has hardened and the challenges presented by the continuing law and order debate, are but a few of those demands.

Opportunities for women prisoners

It is useful at this point to provide detail in relation to the comparative opportunities that women prisoners have in comparison to male prisoners. **Attachment 1** provides some statistical information in relation to women prisoners in the Department's custody as well as providing a comparative analysis with male prisoners. Where available, the statistical information has been sourced from the Department's Annual Report 2004-05, and where not available, information was sourced from reports run from the Department's information management system in December 2005.

The statistical information provided in Attachment 1 shows that in proportion to the number of female prisoners compared to male prisoners: more female prisoners are classified as low/open; and female prisoners have available to them more low/open security beds, more community custody beds and more residential style beds in secure custody.

Proportionately, female prisoners are allocated more vocational educational and training hours and more literacy and numeracy hours than male prisoners. Further, significantly more female prisoners are enrolled in both secondary and tertiary education.

While the Department accepts that these statistics do not necessarily go to the issue of indirect discrimination and are not relied on to counter all of the specific issues raised by the ADCQ, they are nonetheless relevant when considering the issue of the alleged disadvantage of women prisoners.

Application of a Through-care Model for the Management of Female Offenders

Through-care has been described as the optimal model for service delivery across the broad spectrum of human services industries. Whilst endorsed conceptually by many jurisdictions worldwide as best practice offender management few jurisdictions have made significant inroads in its practical application.

Practical through care initiatives are particularly important for female offenders whose criminogenic and welfare issues are multi-faceted and whose incarceration significant and directly impacts on family and other social systems and is felt across generations, often negatively influencing a recognisable cycle of inter-generational offending,

The Department is committed to a practical through care model with real applicability to impact upon the real lives of offenders. Whilst there is more to be done, a number of significant initiatives have been endorsed and implemented, many of which profoundly effect the management of female offenders in Queensland and their transition to the community.

Initiatives which support and promote a through care approach to offender management include the following, the detail of which is provided in the relevant section of the body of this report:

- Post Release Employment Assistance Program, in partnership with the Department of Employment and Training, which assists prisoner to obtain and maintain employment post release.
- Proposal for the transfer of correctional health services to Queensland Health in the interests of improved service provision and continuity of care.
- Commitment to and participation in the whole of government response to homelessness.
- Development and implementation of the Transitions Program and transitions modules specific to the needs of women available to all offenders to address practical resettlement needs prior to release and enhance community reintegration.
- Engagement of external services providers best placed to deliver expert services to offenders whilst in custody and enhance connectedness to community agencies for continuity of care once released and engagement of external service providers and provision of funding to specifically provide transitional support, including emergency accommodation, transport and funding and linkages with community support groups.
- Development and delivery of a range of program and service initiatives at Brisbane Women's Correctional Centre specific to the needs of women as primary caregivers. These include service delivery from external government and non-government agencies to enhance the connectedness of incarcerated women to service agencies within the community.

Further, the Department's 2004 Business Model Review recommended the annexure of Helena Jones Community Custody Centre (HJCCC), the Warwick Women's Community Custody Program (WWCCP) and the women's unit at Numinbah Correctional Centre, effectively all correctional facilities accommodating female offenders in south-east Queensland, to Brisbane Women's Correctional Centre. To date alignment activities are completed in relation to HJCCC and WWCCP, with the final alignment of the women's unit at Numinbah Correctional Centre to progress in the near future.

Prior to this initiative the management of female offenders in the south-east was actioned by staff

reporting to three different persons in charge, across four sites and through two distinct directorates. Women transitioning between sites encountered a range of inconsistent management practices and a whole of sentence approach to the offender was limited. Further issues relating to access to money and property were frequent. The transfer of women assessed as suitable for open custody environments was frequently delayed by numerous requirements relating to having to navigate across systems within the system.

Since the annexure women received at BWCC are assessed and have their transition through the custodial system planned in an integrated and holistic manner. The requirements for women transitioning to HJCC and WWCCP are established and administrative process commenced at BWCC. Systems have been refined to ensure consistency, increased accountability, and shared resources and services. Female offenders experience fewer delays in relation to the transfer of money and property, similarity of processes, standards and decision-making, familiarity of staffing, and improved quality of service provision as a result of increase critical mass of resources.

These initiatives and improvements make very real differences to the real lives of female offenders, and their families, as they navigate the correctional system and beyond.

Risk posed by women prisoners

Before moving on to some of the more specific areas addressed by the ADCQ, it should be noted that one of the foundations of the Report is the assertion that women prisoners are not violent offenders and “pose little risk to public safety.”¹ The ADCQ describe the “significant differences in offending patterns between male and female offenders.”²

While it is true that only a very small proportion of women prisoners are defined technically as *serious violent offenders* under the *Penalties and Sentences Act 1992*,³ this does not mean that only a very small percentage of women prisoners are serving sentences for violence. In the figures quoted by the ADCQ, while 35.2% of women prisoners are serving sentences for what could be described as offences of dishonesty, 34.8% of women prisoners (a similar percentage) are serving sentences for offences of violence (including 16.01% for homicide plus 18.8% for assault).⁴

An internal report run by the Department in March 2006 indicated that 48% of the prisoners at BWCC were either serving sentences or on remand for offences of violence and at Townsville Correctional Centre, 75% of the women prisoners were either serving sentences or on remand for such offences.

The imprisonment rate for women per 100, 000 adults stands at 23.5 which is significantly lower than for men at 334.⁵ There exists various non-custodial sentencing options available to sentencing courts⁶ in Queensland and it is a requirement that imprisonment is to be a sentence of last resort.⁷ It is in this context that women are sentenced to imprisonment in Queensland. These women have been deemed to have committed offences so serious as to warrant removal from the community, or present too great a risk to be managed in the community under supervision, or have failed to respond to previous opportunities for community supervision (in many cases on multiple occasions). Women remanded in custody have been determined, for example, to present too great a potential risk to others, too great a risk of re-offending, or too great a potential flight risk to continue to reside in the community until sentencing.

1 ADCQ Report, p. 5

2 ADCQ Report, p. 28

3 The *Penalties and Sentences Act 1992* provides that for certain scheduled offences a Judge may declare the person to have been convicted of a serious violent offence if sentenced to 5 or more years imprisonment. If the sentence is greater than 10 years it is automatic.

4 ADCQ Report, p. 28

5 Report on Government Services, 2006

6 Including community service, probation, suspended sentences, and intensive correctional orders.

7 See section 9(2)(a) of the *Penalties and Sentences Act 1992* (note: this principle does not apply to sex offences or offences involving violence or physical harm to a person)

The ADCQ even states in its Report that “*a higher proportion of female offenders reoffend.*”⁸

Having regard to the above, it is the Department’s considered opinion that one of the key premises of the ADCQ that women prisoners pose little risk to public safety is an over generalisation not supported by available evidence.

Later in this response the Department will detail specific responses to each recommendation. However, it is useful at this stage to make some general comments in relation to some of the more significant areas identified by the ADCQ in its report:

Prison Infrastructure

The Report makes various comments in relation to the existing infrastructure for women prisoners and makes recommendations in relation to future infrastructure. Many of these issues have previously been identified by the Department and planning is already underway. It should be noted that the Department has embarked upon significant infrastructure projects to address the needs of women prisoners including: the construction of a new women’s correctional facility in Townsville; the establishment of a Women’s Community Custody Program in North-Queensland; and sourcing land in South-East Queensland for a new purpose built facility for women prisoners.

The new women’s prison in Townsville has a planned completion date of December 2007 with prisoners expected to be on site early 2008. 150 beds will be constructed as stage one with a capacity to expand to 200 beds over time. Accommodation will be in both secure cell and residential style accommodation. The new prison will replace the current infrastructure for women in Townville.

The new prison will have all of the prisoner functions currently provided in a modern correctional facility including access to industry, programs, education, recreation and visits. The accommodation will allow for approved prisoners’ children up to pre-school age to be accommodated on site in two special mother’s units. The visits area contains a special kindergarten/crèche room.

For female offenders in North Queensland, the new Townsville women’s correctional facility will provide better standards of accommodation and new resources such as programs areas, meeting places and court-video conferencing capabilities.

Further, once land has been sourced in South-East Queensland, it is proposed to construct an additional 250 bed purpose built women’s correctional centre with all the amenities described above in relation to the new Townsville women’s facility.

The Department has sought expressions of interest from local councils within a four hour road travel from the Townsville Correctional Centre to host a new Women’s Community Custody Program which will accommodate up to 12 prisoners and two staff.

What has not been acknowledged by the ADCQ in its Report is the significant challenge that the Department faces in building new correctional facilities particularly in South-East Queensland. It is a reality of today’s society that community attitudes towards prisoners and prisons has hardened. While some more remote communities are willing to host facilities, the same level of tolerance is not shared in more urbanised areas. The operational reality for the Department is that it is simply not possible to source land for a new open/low security facility (without a secure perimeter) in urban areas.

Two recent examples demonstrate this point. Despite inviting some 17 local councils within 100km of Brisbane to express interest in a new secure correctional facility, only three have shown any level of

⁸ ADCQ Report, p. 90

interest. When the Department of Immigration and Multicultural and Indigenous Affairs proposed an open style immigration detention facility for detainees (persons who unlike prisoners had not been charged or convicted of criminal offences) at Burpengary, it was met with fierce local opposition.

Prisoner Classification

The ADCQ is critical of the current classification process for women. While the Department does not accept all of this criticism, it is important to note that the Legislation Review highlighted some inadequacies in the classification system and as a result significant changes will be introduced in the new legislation. These changes (which resulted from both input from stakeholders and an examination of classification in other jurisdictions) include:

- o reducing the number of security classifications;
- o changing the criteria to be considered when classifying a prisoner; and
- o allowing unsentenced prisoners who are remanded in custody to be classified according to the security risk they pose (this change should directly benefit women prisoners and mean that women will not be “over classified” as high security merely because they are on remand).

The result of the work that has been done in relation to prisoner classification is that the Department will operate a very different classification system than it currently operates and a very different system that was reviewed by the ADCQ.

Community Release

Like the classification system, the community release system under the new Act will look significantly different to the one reviewed by the ADCQ. Again as a result of significant stakeholder consultation and inter-jurisdictional research, the proposed legislation will establish parole as the only form of early release from custody. Release mechanisms such as remission, conditional release and the existing post-prison community based release orders will no longer be available to prisoners. Release to work and home detention will be replaced by parole with conditions, for example conditions relating to employment, program attendance and place of residence. If a prisoner is suitable for release, then that prisoner will be able to be paroled rather than spending time on release to work in a community corrections centre followed by a period of home detention.

The most significant change to release is that prisoners serving sentences of three years or less (who are not *serious violent offenders* or sex offenders), will be released to parole at a time fixed by the sentencing court (court ordered parole) to spend the balance of their sentence under supervision in the community. All other prisoners will apply to a parole board to be granted parole.

This change in the legislation will mean that all prisoners who are released to parole will be supervised in the community until the end of their sentence.

This change will also benefit a large percentage of women prisoners because the majority of women prisoners are sentenced to three years or less. The majority of women prisoners will therefore have a fixed release date before the end of their period of imprisonment so that both the Department and prisoner will be able to better plan for their release.

Importantly, this will also ensure equity of access to supervised release for Aboriginal and Torres Strait Islander women prisoners who have historically had low participation rates in supervised release. The legislative changes coupled with a new Probation and Parole Service will create a very new and

dynamic community supervision model that will benefit women prisoners. As part of the new service, the Department is in the process of establishing a community corrections service in Doomadgee, Mornington Island, Normanton and Torres Strait Islands. While not specifically targeting female offenders, Indigenous female offenders will benefit from permanent services in these areas.

Rehabilitation

Another area of criticism in the Report relates to issues of programs available to women prisoners.

What is important to note in relation to this area is that one of the major projects that the Department has embarked on in the last 18 months is the Offender Programs and Services Reform Agenda aimed at developing a program and services strategic policy and framework for service delivery and resource allocation across the whole Department. The project is due to be completed by the end of June 2006.

The Reform Agenda will comprise four deliverables: a policy on rehabilitation; a programs and services through-care framework; a service delivery model; and a resource allocation model. It will incorporate many current departmental initiatives as well as identify necessary new initiatives to develop a co-ordinated approach for programs and services.

Once completed it is anticipated that all offenders will benefit from a better coordination of programs and services delivery within a through-care framework. Essentially this means the Department will be better able to deliver the programs and services offenders need, where and when they need them. Within the framework, delivery will be demand driven and based on assessment. Accordingly, it will be responsive to the needs of individual offenders, including women, indigenous and special needs offenders, enabling matching between needs and programs/services.

A component of the Reform Agenda is the Program Improvement Project which is an umbrella project overseeing the enhancement of the Department's offender intervention programs.

As part of the Program Improvement Project, the Department is currently phasing out the Cognitive Skills and Anger Management Programs. These programs are being replaced with a general offending program called Making Choices which addresses a broad range of criminogenic needs. Recognising that women offenders differ somewhat from men in terms of intervention needs, a version of the program, specially adapted for women by NZ Corrections, has been adopted by the Department. Brisbane Women's Correctional Centre and Townsville Correctional Centre have had training in the program, and its implementation is planned for early 2006.

Additionally, the Department has appointed a project officer to revise the Transitions Program to better meet the needs of women, indigenous and special needs offenders. This program offers participants an opportunity to address practical re-settlement needs including accommodation issues, health issues (including mental health and substance abuse issues), education and training and basic money management skills. That revision is nearly complete, with a version specific to women due to be finalised in the next couple of weeks. The project officer has been working with the Brisbane Women's Correctional Centre to support implementation by early next year. The project officer will also liaise with Townsville Correctional Centre (Women's) early next year.

Mental Health

The Department recognises the prevalence of mental illness amongst female prisoners and in fact, the statistics relied on by the ACDQ in relation to women who experience mental illness comes from the Department's own research. It made two major submissions to the Forster Inquiry and as a result the

Queensland Health Systems Review recommended, among other things that:

- o 7.16 – *A review of current funding arrangements for mental health should occur with a view to improving mental health services for people in correctional and custodial settings.*
- o 7.18 - *Health care in correctional institutions be resourced adequately and Queensland Health and the Department of Corrective Services seek agreement on the best future delivery options.*

The Department is currently working with Queensland Health to implement the transfer of health care responsibility from the Department to Queensland Health. As part of this process an appropriate resourcing model is being identified which will include the provision of psychiatrists, allied health workers, tele-based psychiatric services for remote locations and greater through-care with the use of non-government organisations. It is envisaged that this will improve the standard of care for prisoners with mental illness.

Additionally, in October 2005, the Department received an increase in funding of \$342,000 for prisoner mental health for the remainder of the financial year until the full transfer of mental health care is implemented.

Additionally related to the issue of mental health is the issue of the operation of the Crisis Support Unit (a matter that was given significant attention in the Report). It should be noted that significant changes will be made to the operation of Crisis Support Orders in the new legislation.

Under the new legislation, it is also proposed to replace the existing crisis support orders and special treatment orders with a new separation order that will have an emphasis on keeping prisoners and staff safe within the custodial environment.

Prisoners who are separated from the mainstream prisoner population (other than maximum security prisoners) will be accommodated according to their individual needs. There will be no mandatory requirement for these prisoners to be accommodated in crisis support units or health centres.

It is also proposed that the new legislation will reduce the duration of orders that can be made for prisoners at risk of self-harm or who pose a risk to others from three months to one month and require regular medical examinations as well as mandatory reviews by official visitors. Importantly the proposed legislation will allow for the planned reintegration of a prisoner into the mainstream prisoner population within the period of the order.

These changes should benefit all prisoners including women by removing the requirement to house a prisoner on a crisis support order in a crisis support unit, and by reducing the length of time a prisoner may be separated from other prisoners. This should reduce prisoners' feelings of isolation and should allow female prisoners to be accommodated according to their risks and needs while under an order.

Strip-searching

While it is acknowledged that many people find the idea of strip searching an affront to their personal dignity, these powers are warranted. Strip searches are essential for prisoner and staff safety and security and assist in the detection of contraband. All states in Australia have a practice of strip searching prisoners.

The Department has always strived to ensure that its strip searching practices and procedures are best practice. Strip searches are performed in accordance with the provisions enunciated in the *Corrective Services Act 2000* and *Corrective Services Regulation 2001* and the process is highly prescribed. There are controls in place to protect a prisoner's personal dignity during a strip search. Strip searching is not cavity or body searching. Prisoners can remain partially clothed at all times during a search. Searches are undertaken by officers of the same sex as the prisoners. In addition, at least two corrective services officers present but no more than are reasonably necessary, when the search is undertaken. These safeguards ensure that strip searches are conducted in a professional manner.

The Report asserts "*if an individual prisoner is assessed as having a low risk of escape or self-harm, routine mandatory strip-searching may not be reasonable.*"⁹ With due respect to the ADCQ, such a statement is naïve to the complexities of the correctional environment in which for example; prisoners who may not themselves present as risks of escape or self harm may traffic contraband including implements of self harm, independently or as a result of pressure from other prisoners. Strip searching is regarded as a critical operational requirement to ensure the security and good order of secure facilities and the safety of persons therein. Also, as the Department's submission to the ADCQ indicated, the rates of drug use detected in female prisons are comparable, and in some cases are higher, than in male prisons. Strip searching is one highly effective means of prevention drugs from entering into prisons.

Strip searching no longer occurs upon return to individual cells in the Crisis Support Unit at the Brisbane Women's Correctional Centre when women have not left the unit common areas during the day with the exception of the evening lock away. This alteration to practice has reduced routine strip searching by approximately 50%.

The Department notes the statistic contained in the report that "*41,728 strip-searches that were conducted in a three year period from 1999 to 2002 in the BWCC, only two searches discovered any significant contraband.*"¹⁰ However, as noted by the Department in its submission to the ADCQ, such arguments ignore the deterrent effect of strip searching.

Children

The Department acknowledges the role of women as primary caregivers in the community and the significant proportion of the incarcerated female population who are of child bearing age and who had primary care responsibilities for children prior to their incarceration. Much has been done to recognise, nurture and maintain family relationships, in particular the bond between incarcerated mothers and their children. The Department works closely with the Department of Child Safety in ensuring the best interests of the children are foremost in decision-making relative to accommodation of children within correctional facilities, access arrangements and service provision.

The Corrective Services Act 2000 makes specific provision for the accommodation of pre-school aged children with their mothers in custody.¹¹

Purpose built facilities to accommodate women approved to have their children reside with them, exist at Brisbane Women's Correctional Centre and are planned for inclusion in the new women's facility being designed for Townsville.

A comprehensive program designed specifically for pregnant women and resident mothers and children at Brisbane Women's Correctional Centre includes the following activities and services:

- Pre-natal and post-natal care by midwives, doctors and specialist obstetricians;
- Infant immunisation program;

⁹ ADCQ Report, p. 74

¹⁰ ADCQ Report, p. 71

¹¹ Sections 20 to 22

- Sing & Grow – music therapy program for infants, toddlers and young children, facilitated in partnership with The Playgroup Association of Qld;
- Parenting Program;
- Happy Healthy Children Program – multidisciplinary, multi-agency facilitated program aimed at developing healthy children. Topics include bathing, feeding, paediatric dental care, nutrition, developmental milestones, age appropriate play etc;
- Play Group – structured child centred play and educational activities aimed at encouraging parental interaction, developmental milestones, age appropriate play and education, facilitate in partnership with Save the Children Fund, mobile play scheme;
- Provision of children’s toys, educational and developmental aides and specific children’s library;
- Access to local childcare and pre-school facilities for resident children to enhance normalisation and socialisation opportunities; and
- Facilitation of shared care arrangements for resident children to nurture and maintain family relationships whilst they are accommodated with their mothers in custodial settings.

In addition, children accommodated in correctional facilities have access to health and medical services 24 hours a day 7 days per week – a higher standard than is available in the general community.

Female prisoners at Brisbane Women’s Correctional Centre with pre-school age children have the opportunity to have those children attend the facility’s Playgroup Program once a week.

Special children’s visits are facilitated at Brisbane Women’s Correctional Centre during major school holiday periods during which children of incarcerated women are invited into the centre proper to participate in 2 to 3 hour sessions of structured play and visitation with their mothers without the usual rigours, infrastructure and routines associated with purpose built visiting areas.

Family Days are conducted in all facilities in which families are invited to visit with incarcerated prisoners within the prison grounds (rather than visits areas), a range of activities and refreshments are provided to enhance and normalise the visitation.

Special arrangements are made in secure facilities to enhance contact between incarcerated mothers and their children. This includes provision to have children enter the facility unaccompanied should an appropriately security cleared adult not be able to attend, and provision for contact visits with children in circumstances where visiting adults accompanying those children are not entitled to contact visits.

The proposed changes to the legislation make specific provision for family visits via video link.

Accountability

The correctional system in Queensland operates in an open, accountable and transparent manner. It is strictly regulated by legislation and open to scrutiny by a range of internal and external stakeholders. Prisoners have an array of complaint mechanisms should they wish to lodge a complaint, including the “blue letter” system (where complaints can be lodged directly with the General Manager, Director-General or Minister); the Ethical Standards Branch; the Official Visitor; the Ombudsman; the Crime and Misconduct Commission; the Prisoner’s Legal Service; Legal Aid Queensland; and to the ADCQ itself.

In addition, the Department has recently appointed a Chief Inspector, whose role it is to review correctional facilities and/or services, to ensure that prisoners are being managed in accordance with best-practice correctional standards.

Specific instances of mistreatment

The Department takes any allegations of prisoner abuse, neglect and/or staff misconduct very seriously. It is the Department's practice to ensure that every individual allegation of such an occurrence is fully investigated. It is noted that the Report makes passing reference to some allegations that, if substantiated, may amount to misconduct or even criminal behaviour. The Director, Ethical Standards Branch of the Department and the Queensland Police Service will be writing to the ADCQ seeking specific detail in relation to these matters so that the allegations can be appropriately investigated.

The Department strongly refutes much of the detail provided in the Report in relation to the operation of the Crisis Support Unit at BWCC.¹²

Under no circumstances are women detained in a naked state, with clothing removed or not provided by correctional centre staff. In circumstances where women remove their own clothing, all efforts are made by staff to intervene and preserve the woman's dignity.

Lights in cells in the Crisis Support Unit at BWCC are not on 24 hours a day but rather a night light sufficient for observation of a prisoners well being is operational.

Suicide gowns are sturdy, thick cotton garments, made from tear resistant material, vastly different to gowns worn in operating theatres. They have no fastenings whatsoever and few seams. As standard underwear can be used to suicide or self harm, paper pants are provided. Provisions are made by the centre for supply of feminine hygiene products.

Suicide gowns are worn in cell. When women exit the cells each morning for standard interaction, activities etc they are provided with standard prison issue uniforms – shorts, shirts.

The eight standard living cells in the Crisis Support Unit at BWCC have toilets and showers in cell.

Women accommodated in the CSU at BWCC are not strip searched every time they exit and re-enter their cells.

Women are not placed in Crisis Support Units as a result of expressing perfectly normal human emotional reactions to sad events, as is alleged. Rather, placement in the Crisis Support Unit is a response to assessment of high levels of risk of harm to selves or others. A range of alternative responses are available to respond to lower levels of risk of harm. These included maintenance of normal accommodation and monitoring within that environment and provision of counselling assistance and support, or accommodation within a standard observation cell within a health centre.

Women not assessed as at risk of self harm, but rather sad or distressed by life events are maintained in normal accommodation units with their internal social supports, provided opportunities for a buddy to share their cell for support, provided counselling assistance by correctional counsellors or referred to a chaplain.

Prisoners accommodated in the Crisis Support Unit at BWCC are not secluded or segregated from other prisoners, unless they pose a risk of harm to staff or other prisoners. Rather, they have the opportunity to interact and attend activities with other CSU prisoners and centre staff. This is preferable to observation cell or detention unit cell accommodation traditionally utilised to accommodate prisoners acutely at risk of self harm or suicide.

Again, the Director, Ethical Standards Branch of the Department and the Queensland Police Service will

¹² ADCQ Report, pp. 99, 100

be writing to the ADCQ seeking specific detail in relation to these matters so that the allegations can be appropriately investigated.

Staff

The Department has been a leader in terms of the training, qualifications and accreditation of staff.

The Department recruits and trains to a very high standard. It sets standards for psychological tests and criminal history checks with a view to excluding inappropriate applicants. Correctional Officers have to attain real qualifications from a registered training organisation. Like any Australian Quality Framework program the Registered Training Organisation (RTO) is regularly audited and must constantly seek to improve the Department's training. The Department also has sound processes to maintain those standards through, for example, reaccreditation of staff, DET audits of the RTO and enforcement of a strict code of conduct by managers and the Department's Ethical Standards Branch.

The Department has a target staff gender ratio at the Brisbane Women's Correctional Centre of 70% female and 30% male officers (currently the gender ratio of 68% female officers to 32% male officers has been achieved). The Department has actively recruited female officers to the Brisbane Women's Correctional Centre, pursuant to receipt of a formal exemption from the Queensland Anti-Discrimination Tribunal which was handed down in January 2004.

PART TWO: RESPONSES TO RECOMMENDATIONS

General Recommendations

Executive Summary

Recommendation No i – page 6 of report

That the Department of Corrective Services address matters raised in the Report on the Review into Women in Prison in their current review of the Corrective Services Act 2000.

The Department notes the recommendation and will consider all recommendations to determine whether any legislative changes are required in addition to the legislative changes already proposed as a result of the review of the *Corrective Services Act 2000*. The review of the legislation concluded in August 2005 and many of the matters raised with the Anti-Discrimination Commission Queensland (ADCQ) were also raised during the review of the legislation as well as during the Department's July 2004 Business Model Review (BMR). As a result, there are a number of changes proposed to the legislation that will address the ADCQ's recommendations, some of which are acknowledged in the ADCQ Report.¹³

Not all issues raised will necessitate legislative amendment. Many matters will continue to be guided by departmental policy.

Brief details of the Department's initiatives in some of the areas affected by the legislative review are detailed below.

Classification

Although there is no proposal to include a legislative statement that women prisoners are to be classified at the lowest level of security necessary to ensure the good order and security of correctional facilities and the security of the community, this will be achieved for all prisoners by the introduction of a new security classification system that is more clearly focussed on risk and that allows remand prisoners to be classified according to their risk, the same way that sentenced prisoners are classified.

The proposed changes to the way that prisoners are classified will make security classifications more meaningful and will align more closely to infrastructure. A prisoner's classification will guide the appropriate placement of a prisoner in accordance with their assessed security and supervision requirements. The Department supports the maintenance of family relationships and the ability for prisoners to have family visits is a consideration in determining transfers and placement.

Visits

Proposed legislative changes will make it clear that family visits may occur via videolink. This will especially benefit prisoners from remote communities, including female Indigenous prisoners, to enable them to maintain their family contacts.

Court ordered parole

While this matter will be considered under the response to recommendation 14, it should be noted that the introduction of court ordered parole for prisoners serving short sentences who are not serious violent offenders or sexual offenders should have a significant impact on the release of female prisoners who will

¹³ ADCQ Report, pp. 41, 43, 49

be released to parole at a date fixed by a court at the time of sentencing. This change will mean that all prisoners who are released to parole will be supervised in the community until the end of their sentence.

Safety orders

Safety orders will replace crisis support orders and special treatment orders. The new order will have an emphasis on keeping prisoners and staff safe within the custodial environment. The legislative changes will allow for the planned reintegration of a prisoner into the mainstream prison population within the period of the order.

Recommendation No ii – page 7 of report

That the Department of Corrective Services, as a matter of priority, identify and take appropriate action to address possible discrimination against women prisoners raised in this Report.

As outlined in its initial submission to the ADCQ, the Department seeks to uphold the principles enunciated under the *Anti-Discrimination Act 1991* and strives to avoid discriminatory practices against women or, for that matter, any other member of the prison population. Furthermore, it is statutorily required to take account of the special needs of offenders, such as gender, in its various decision making processes.¹⁴

Consequently, the Department seeks to ensure that its policies and practices coincide with all relevant statutory requirements. Its initial submission to the ADCQ outlined the progress that has been made by the Department over recent years in ensuring the humane management of female prisoners. Accordingly, the Department takes any allegations of inappropriate treatment of prisoners very seriously and aims, through its training, policies, procedures and services, to ensure that practices are effective, equitable and of the highest quality. It seeks to continue to improve its management of female prisoners and has supported the review by the ADCQ into women in prison.

Therefore, the Department is supportive of the principle that where systemic discrimination against female prisoners is identified and substantiated it will take the necessary and appropriate remedial action. To this end the Department will be guided by the relevant findings and recommendations of the ADCQ Report.

Recommendation No iii – page 7 of report

That the Department of Corrective Services include in its annual reports for 2005-06 and 2006-07 its progress on recommendations made in this Report.

While noting the recommendation the Department does not consider there is sufficient justification to include progress on implementing any particular recommendation made by the ADCQ in its next two annual reports. The Department is not required to track the implementation of Ombudsman, CMC, Adult Guardian or Public Advocate recommendations in its annual reports and it is not considered necessary to do so with respect to the ADCQ's recommendations. It will be clear from the following responses that the Department has made, and is continuing to make, significant progress in addressing the matters raised by the ADCQ.

¹⁴ Corrective Services Act 2000, ss. 3(3), 189, 190(2); Corrective Services Regulation 2001, s. 3

Specific Recommendations

Custodial infrastructure and classification

Recommendation 1 – page 54 of report

That the Department of Corrective Services, when planning for any future custodial infrastructure for women, gives the highest priority to developing smaller facilities based upon community living, with prison regimes and practices that encourage positive and supportive interaction between staff and residents and the greater community.

The Department concurs with the recommendation and has planned for future women's correctional infrastructure to be designed to provide a sense of self with the number of prisoners within each individual area within a correctional facility limited.

The new Townsville Women's Correctional Centre, which will be completed in 2008, will include accommodation for a maximum of 16 women in cell wings and residential accommodation that, as closely as possible mirrors life outside the facility, and allows for group of six women to cohabit. Staff interaction will be fostered through designs that encourage both staff and prisoners to utilise same space areas including the cell blocks. However, at all times designs will ensure a safe environment for prisoners, staff and the community at large.

The Department will gradually move away from fenceless correctional facilities and will concentrate of two style of accommodation. Prisoners will either be behind a secure fence or they will be in open custody programs such as the WORC scheme or hostels within suburban areas, such as the existing Helana Jones facility at Albion.

Consultation with community groups over recent years, undertaken whilst developing new facilities such as the Maryborough Correctional Centre, has revealed that the public require prisoners to be contained during their time in prison. To this end the Department has developed a secure perimeter system that has resulted in there being no escapes from secure custody since the new design fence system was put in place in 1998. This system is employed in both male and female facilities.

Future development of correctional facilities for all prisoners, male or female, will include secure fences. It is clear that escapes from secure or open custody are not in line with Government or community standards.

Recommendation 2 – page 55 of report

That the Department of Corrective Services:

- *develops classification instruments based on the specific characteristics of men and women; and*
- *draws up a schedule for testing the reliability and validity of classification instruments, for all prisoners including those from Indigenous or other minority groups.*

The DCS should publicly release the reports of such research.

In noting the recommendation the Department points out that it does not use an actuarial tool or instrument to determine security classification as previous experience has demonstrated that such approaches are

flawed. Actuarial instruments rely heavily on the scoring of static factors and are not able to adequately measure dynamic changes in an offender's security risk level. The Department changed this system as analysis indicated that a number of prisoners were being over classified and prisoners were focussing more on losing "points" to achieve a lower classification score than on completing interventions to address offending behaviour and reduce community risk.

Classification decisions must be made in accordance with section 12 of the *Corrective Services Act 2000* which also provides that 12 factors must be considered when determining classification. It is important to note that each assessment is based on balancing the individual factors pertinent to the case.

As part of the current review of the *Corrective Services Act 2000*, a consultation paper on prisoner classification was published and feedback was encouraged. The number of classifications is proposed to reduce from five (maximum, high, medium, low and open) to three (maximum, high and low). As female offenders cannot be classified maximum only two security classifications would be available for female offenders. Remand offenders will also be classified using the criteria rather than an automatic classification of high being assigned as is currently prescribed. This will mean that female offenders may be classified low security while remanded in custody. The Department is committed to managing offenders at the lowest level of supervision commensurate with their assessed risks and needs.

The new risk criteria proposed for inclusion in the legislation are:

- the nature of the offence for which the prisoner has been charged or convicted;
- the risk of the prisoner escaping, or attempting to escape, from custody;
- the risk of the prisoner committing a further offence and the impact the commission of the further offence is likely to have on the community;
- the risk the prisoner poses to himself or herself, and other prisoners, staff members and the security of the corrective services facility.

No other jurisdiction has a classification instrument that differentiates between the characteristics of men and women and the Department does not use a classification instrument to determine classification.

As noted above, the proposed changes to the criteria for classifying prisoners were developed having regard to the feedback received to the legislation review and by conducting a jurisdictional scan of legislative practices both in Australia and internationally. As reported by Dr Dominic Katter in his consultation report for the Minister for Police and Corrective Services,

Many respondents to the review and feedback session participants suggested that the criteria for classifying prisoners should be more clearly focused on risk. It was commented that some factors, such as the influence of family relationships, and the prisoner's medical and psychiatric history, are irrelevant to classification and can disadvantage prisoners with mental health problems or intellectual disability.

For similar reasons, it was generally stated that the classification criteria should not include a requirement to take into account gender, cultural and linguistic background, or Aboriginality. However, some respondents suggested that the inclusion of such a requirement would ensure that prisoners from these groups are not unfairly disadvantaged by the classification process.¹⁵

The ADCQ does not produce any evidence of a classification system which is specifically geared to women in any other jurisdiction.

¹⁵ Review of the *Corrective Services Act 2000*, Consultation Report, p. 4. Available at: http://www.dcs.qld.gov.au/About_Us/The_Department/Key_Initiatives/Legislation_Review/report/ConsultationReport_CURRENTSmall.pdf

In Australia, all states other than New South Wales classify male and female prisoners in the same way. In New South Wales, there are six classification levels for male prisoners. Female prisoners cannot be classified into the highest two levels. Queensland has a similar system whereby it is departmental policy that female prisoners cannot be classified as maximum security prisoners or placed in maximum security units.¹⁶ Internationally, Canada and New Zealand do not have separate classification systems for female prisoners.

The ADCQ Report commented on the weighting of mental health issues in determining security classification.¹⁷ As indicated above, this factor is not included in the proposed new legislative factors. The report also refers to prisoners being automatically classified low if they were assessed as being suitable for open custody but due to medical, psychological or psychiatric reasons could not be accommodated in an open custody facility.¹⁸ This practice was reviewed and discontinued shortly after it was introduced due to concerns about its appropriateness. It has not been operational since 2002.

The ADCQ Report indicates that women from culturally and linguistically diverse backgrounds are unfairly weighted due to section 12(3)(h) of the *Corrective Services Act 2000*.¹⁹ This section provides:

the likelihood of the prisoner being deported or extradited, and the prisoner's demonstrated attitude towards the deportation or extradition

This relates to considering whether a prisoner is subject to deportation and their attitude towards the deportation. For example, a prisoner who does not want to be deported may be an increased escape risk. In the proposed legislation this risk will be assessed as part of the prisoner's escape risk.

As noted in the Department's submission to the Anti-Discrimination Commission, statistically female offenders are proportionately more likely to receive a lower security classification than male prisoners.

The Department's Offender Assessment Branch conducts random desktop monitoring on documents which record classification decisions. The focus of this monitoring is on quality assurance issues and the identification of skills based needs. Doing so aids decision making by identifying trends, issues and training needs to support a consistent and best practice approach to offender management planning, review and classification.

The ADCQ Report erroneously records that a "sentence management corrections officer (AO₄ level)" makes security classification decisions.²⁰ All initial security classification decisions and most subsequent decisions are made by General Managers. Only critical decisions for high risk offenders such as an offender classified maximum security are made by a Deputy Director-General in consultation with the Offender Progression and Review Committee.²¹

The issues related to the computer document predating current practice have been resolved with the release of the Integrated Offender Management System. There is now no difference between the forms, procedures and legislation. Prior to this the differences were countered by the development of standards in data entry processes. This ensured that all of the legislative factors considered were accounted for in the document.

¹⁶ Departmental Maximum Security Orders Procedure. Available at: http://www.dcs.qld.gov.au/Resources/Procedures/Offender_Management/Documents/ofmpromsooo.doc

¹⁷ ADCQ Report, p. 44

¹⁸ ADCQ Report, p. 44

¹⁹ ADCQ Report, p. 45

²⁰ ADCQ Report, p. 43

²¹ Departmental Maximum Security Orders Procedure. Available at: http://www.dcs.qld.gov.au/Resources/Procedures/Offender_Management/Documents/ofmpromsooo.doc

The ADCQ Report suggested that offenders may be sent to higher security facilities that provide restricted access to correctional programs and activities.²² This is incorrect as delivery of intervention programs is focussed on higher security facilities with lower security facilities focussing on maintenance and pre-release activities.

The ADCQ Report indicated that prisoners with different classifications in one facility are all managed by the same routine.²³ There will be some differences in the management of prisoners,²⁴ however this has to be balanced the security of a facility. It is important that there is a level of consistency in managing prisoners at one location to ensure that operational protocols are easily understood by all staff and prisoners and hence enhance the safety of all persons who access a facility. The issue of low risk prisoners being placed in “solitary confinement” was raised by the ADCQ Report.²⁵ It should be noted that prisoners are only placed on separate confinement as a result of a breach of discipline.²⁶ Regardless of the classification of a prisoner, a breach is considered to be a serious event that must be managed accordingly.

The report makes reference to the classification system of Canada,²⁷ however, Canada uses the Level of Service Inventory – Revised to, among other matters, assign a security classification. Whereas, the Offender Risk Need Inventory – Revised is a tool used by the department as part of its assessment processes but is not, and can not, be used to determine classification as it is not consistent with the legislative requirements.

Recommendation 3 – page 55 of report

That corrective services legislation states that female prisoners be classified at the lowest level of security necessary to ensure the good order and security of prisons and the security of the community.

In noting the recommendation the Department advises that it is not proposed that the new legislation will state that female prisoners should be classified at the lowest level of security necessary to ensure the good order and security of prisons and the security of the community.

No other State in Australia has a legislative requirement that either male or female prisoners should be placed at the lowest security level for which they qualify. Western Australia has a prison rule that requires each prisoner, male or female, to be classified at the lowest level of security necessary to ensure his/her continuing custody within the prison system, the good government, good order and security of prisons and the security of the community.

The change to legislation in Queensland allowing remand prisoners to be classified according to their risk, as well as new classification criteria focussed on risk, will mean that all prisoners, irrespective of gender will be able to be classified at the lowest security level for which they qualify and will not be at risk of being “overclassified”.

Recommendation 4 – page 55 of report

That proposed legislation changes ensure:

- *female prisoners on remand be classified in the same way as other female prisoners; and*
- *long term remand prisoners be assessed under the Offender Risk/Needs Inventory and not be deprived of necessary programs and training.*

The Department notes the recommendation and points out that the proposed new legislation will enable prisoners on remand to be classified in the same way as other prisoners, and this is inclusive of female prisoners.

22 ADCQ Report, p. 43

23 ADCQ Report, p. 46

24 As provided for under section 12(5) of the *Corrective Services Act 2000*

25 ADCQ Report, pp. 46 – 47

26 *Corrective Services Act 2000*, ss 88(2)(c), 91

27 ADCQ Report, p. 43

The Offender Risk Need Inventory – Revised (ORNI-R) is used to assess criminogenic needs which are offence related needs which should be targeted through intervention. The implementation of this recommendation would necessitate a remandee prisoner disclosing issues surrounding their alleged offending, which would impact on the legal and judicial process, particularly in the event that the prisoner chooses to defend the allegations made against them. It is therefore not appropriate to use the ORNI-R to assess the offence related intervention needs for prisoners on remand who have not been convicted of an offence. For similar reasons it is not appropriate to offer these prisoners places on intervention programs designed to address offence related needs.

Prisoners on remand do however undergo a number of initial assessments and have access to a range of services to assist in rehabilitation and reintegration. This commences with a medical assessment undertaken by a registered nurse at the time that a prisoner is initially received into custody. Following this assessment the prisoner, where appropriate, will be referred to necessary health and medical, mental health and substance abuse related services. All prisoners received into a corrective services facility are further assessed within hours of their arrival, generally by a psychologist or counsellor, using the Immediate Risk Needs Assessment (IRNA). This assessment focuses on a range of issues including the risk of harm the prisoner may pose to themselves or others, issues relating to drug or alcohol abuse/withdrawal, medical, psychological or psychiatric issues that may require attention and the possible presence of intellectual disability. Following the assessment, referrals are immediately actioned to relevant professional staff.

As noted earlier, remand prisoners have access to a range of programs, services and activities to assist in their rehabilitation and reintegration. For example, a female prisoner on remand at Brisbane Women's Correctional Centre will have access to a range of programs and services which may include but are not limited to the following:

- Registered nurses – available 24 hours a day;
- Government Medical Officer;
- General health services;
- Dentist;
- Optometrist;
- Specialist medical services by appointment;
- Mental health services including on-site psychiatric review and treatment;
- Parenting education programs;
- Midwifery and antenatal nurses;
- Playgroup – for women who have pre-school aged children, either resident with them in the facility or in the community;
- Drug and alcohol counsellor;
- Alcoholics Anonymous, Narcotics Anonymous and Gambler's Anonymous;
- Chaplaincy services including religious studies and study groups;
- Access to prison library;
- Literacy and numeracy courses;
- Work readiness course – preparatory program for employment post release;
- External self funded courses – for example TAFE, university. Staff assist prisoners to process their work and to explore whether learning support teachers are available to provide assistance;
- Continuity of existing study – where a prisoner was undertaking a course prior to their incarceration, staff make contact with the educational institution in an attempt to arrange for the prisoner to continue studying whilst incarcerated;
- Brisbane School of Distance Education – a learning support teacher assesses the needs of the prisoner and makes recommendations as to whether courses provided by this body are appropriate for the prisoner. The prisoner is able to continue this study upon release.

- Tertiary Preparation Program provided through the University of South East Queensland;
- Staff assist prisoners to identify relevant external courses that may assist them upon their release;
- Career counselling services;
- Transitional support;
- Recreational activities – fitness programs, scheduled physical activity sessions held in the gymnasium;
- Indigenous prisoners have access to indigenous counselling services and visits from Elders.

The Department notes the support of the ADCQ for the proposed legislative changes which will allow “unsentenced prisoners who are remanded in custody to be classified according to the security risk they pose.”²⁸

This change will mean that remand prisoners who do not require high levels of security and supervision will be classified as low security and will be eligible to be transferred to a low security facility. This change should have a significant impact on female prisoners.

By way of comparison, Victoria and Western Australia require that all remand prisoners have strict levels of supervision and security such as is currently the case in Queensland. Currently, female prisoners on remand must be classified as high security. In reviewing the legislation, there were divergent views on the issue of the classification of remand prisoners as noted in the Katter Report.

In New Zealand and Canada, prisoners on remand are classified according to their risk as is proposed to occur in Queensland.

Finally, with respect to the ADCQ’s comments relating to prisoner dissatisfaction with the “rules” being changed,²⁹ it should be noted that a comprehensive prisoner education program is being designed in order for prisoners to be made aware of legislative changes and how those changes will affect individual prisoners.

Recommendation 5 – page 55 of report

That women prisoners be placed in the least restrictive environment possible and, in particular, the highest priority be given to the interest of children in determining the placement of their mothers serving full-time sentences.

While noting the recommendation the Department would point out that it places prisoners in accordance with their risk³⁰ and subject to the availability of open custody places. In doing so, a number of factors are taken into account including the prisoner’s status as a sentenced or remand prisoner, their assessed risk to the community, their institutional conduct, their completion of interventions to address community risk, their health and the location of their family in the community.

While the interests of a child are recognised, the safety of the community is also paramount. In accommodating a prisoner in an open security facility the prisoner’s risk of escape and re-offending must be assessed as these can directly impact on the safety of the community.

The Department is cognisant of research which indicates the value of maintaining the relationship between a child and its mother. In response to such research and its responsibility to protect the community, the Department provides facilities for approved women to have children reside with them in custody until such time as the children are ready to start primary school. These residential arrangements are available in secure and open security facilities.

²⁸ ADCQ Report, p. 49

²⁹ ADCQ Report, p. 54

³⁰ Departmental Assessment Procedure (Security Assessment Classification Guidelines). Available at: http://www.dcs.qld.gov.au/Resources/Procedures/Offender_Management/Documents/ofmproassesoo.doc

Recommendation 6 – page 55 of report

That the Department of Corrective Services researches and analyses the elements that contribute to the success of the Warwick Women's Work Camp model and apply those principles to any new facilities that are developed for women.

The Department concurs with the recommendation and has, in fact, been undertaking work in this regard since the July 2004 Business Model Review (BMR) of the Department. The BMR stated that a second camp for female prisoners could be located in either central or Northern Queensland, thus providing better placement options for female offenders from those areas.³¹

The Minister for Police and Corrective Services has recently endorsed that a Women's Work Camp be established in North Queensland and has written to a number of local government councils inviting them to submit expressions of interest in partnering with the Department in the establishment of a camp.³² Council responses are anticipated by the end of March 2006. Townsville Correctional Centre is the only North Queensland correctional facility accommodating female offenders in an open custody environment. Therefore, the facility is the logical choice for alignment of the proposed female Work Camp. The concept of "alignment" will be further discussed below.

Existing models for the male WORC camps consider issues such as staff award provisions and rostering practices. The Warwick Women's Work camp operates generally on a Monday to Friday basis for a number of reasons including the following:

- No demand for weekend work in Warwick;
- Staff preference to be home on weekend based on their parental circumstances;
- Facilitation of offender access to visits and reintegration leave.

In developing an operational model for the new women's camp, opportunities will be explored to develop an appropriate model based on sufficient eligible prisoner numbers being identified and maintained. These options will consider:

- hot bedding with alternate rotating prisoner groups to have a permanent offender presence at the camp;
- a 5-day Monday to Friday operation similar to the Warwick Women's Work Camp;
- examination of rostering arrangements that support flexible camp operations;
- proposed changes to the legislation that may increase the number of prisoners eligible to participate in the program;
- current infrastructure limitations of 35 Residential beds versus the future infrastructure of 90 residential beds; and
- "What works well" within existing operations of the Warwick Women's Work Camp.

The BMR recommended the realignment of the WORC Program, and regional camps, with correctional facilities throughout Queensland. One important organisational concept outlined in the BMR pertained to "strategic linkages."³³ The concept was in relation to the movement of offenders within and between correctional facilities.

In progressing this, a community engagement process was undertaken and a report prepared on the outcome of the process. The report was prepared by Mr Bunny Powne in close consultation with relevant local communities.³⁴ The consultation phase was undertaken in October 2005 with the subsequent report transmitted in November 2005. The report provided a total of 38 recommendations that are intended to support and enhance the concept of strategic linkages and its underlying precepts.

³¹ BMR Report, paragraph 8.14, p. 28

³² Ministerial Media Statements, 23 February 2006, "Women's Prison Camp to be established in North Qld, Minister for Police and Corrective Services, the Honourable Judy Spence.

³³ BMR Report, p. 29

³⁴ Available at: http://www.dcs.qld.gov.au/Publications/Corporate_Publications/reviews_and_reports/worc/report.pdf

These recommendations have informed the development of a number of departmental projects that will include the review of WORC Camp operations with a view to refining and clarifying deliverables for the program. This information will be considered in the expansion of the program and the development of the operational model for the new Women's camp in the North of the State. Also, consultation with the staff and prisoners involved with the Warwick Women's Work Camp will be undertaken as part of the development of similar women's camps around the State.

Recommendation 7 – page 56 of report

That women residents of the Numinbah Correctional Centre who require hospital or dental treatment not be transferred and housed in the secure S1 facility in Brisbane Women's Correctional Centre, and not be subjected to mandatory strip-searching. In accessing medical or dental treatment, they should not be housed in any facility other than open classification accommodation.

In noting the recommendation the Department advises that women prisoners travelling to Brisbane for medical or dental treatment currently are transited at Brisbane Women's Correctional Centre to avoid transporting them back to Numinbah Correctional Centre at night. Where possible women transferred from Numinbah Correctional Centre with an anticipated stay at Brisbane Women's Correctional Centre in excess of 48 hours are accommodated in the Residential area of the facility. Strip searching upon entry to a secure facility is a mandatory requirement³⁵ to minimise risk of compromise to the security and good order of the facility and the safety of persons therein.

The Department acknowledges the report's comments in respect to the provision of health services to female prisoners accommodated at Numinbah Correctional Centre and is currently investigating options for alternative service delivery closer to Numinbah Correctional Centre.

Recommendation 8 – page 56 of report

That the Department of Corrective Services reviews its written and oral information provided to prisoners upon reception and throughout their sentence to ensure they better understand the classification and Offender Risk/Needs Inventory assessment processes, the sentence management process and other issues including conditional and community release.

The Department concurs with the recommendation and advises that information provided to prisoners is reviewed at regular intervals. With respect to the impending changes to the legislation, a review of induction and other information materials provided to prisoners will be undertaken this year.

Low security facilities

Recommendation 9 – page 62 of report

That the Department of Corrective Services prioritises the establishment of its proposed new work camps for women in North Queensland and South-East Queensland.

The Department concurs with the recommendation and to date has made significant progress in establishing the new Women's Work Camp including the following:

- identification of the allocated correctional facility;
- preparation of selection criteria and proposal evaluation matrix; and
- the Minister has written to local government councils within 3 to 4 hours drive of the correctional facility requesting their expression of interest in establishing a women's work camp in their Shire.

³⁵ In accordance with written directions issued by the chief executive under section 26A of the *Corrective Services Act 2000*

The roll out of new Women's work camps will also be undertaken in conjunction with a review of the Warwick Women's Work Camp to ensure that desirable features are incorporated into all new female Work camps.

Recommendation 10 – page 63 of report

That alternatives to the Numinbah Correctional Centre and Townsville Correctional Centre be developed for housing low security female prisoners as soon as possible. Such alternatives should accord women the appropriate and usual security levels for open classification prisoners and should be entirely separate from institutions for male offenders. The facilities should be designed to meet the needs of female prisoners.

The Department notes the recommendation and has, in fact, already planned to ensure that women prisoners will be provided with access to the same accommodation options offered to male prisoners. Within secure custody this will include both cell and residential accommodation and within the community this will include both typical housing and hostel style accommodation where possible.

Female correctional facilities have been developed such that they provide a different environment to that encountered in a male centre.

While all correctional facilities are secure and provide a similar level of suicide resistant cell construction, typically a female centre will be of a smaller scale and provide more intimate sized spaces within the secure perimeter. Cell blocks will house between one-third and one-half the number of cells found in a new male centre. The ratio of residential style accommodation to cell accommodation is higher in a female facility.

The ratio of programs and other activity areas and spaces per prisoner is higher than in a male facility.

Special needs of women in prison are addressed through the provision of in house medical and Crisis Support Unit areas that are not always incorporated into male facilities. Additional emphasis is placed on visiting areas and the needs of children in both these areas and within the correctional facility for those children who are able to be accommodated with their mothers in the facility. Mothers are provided with larger rooms to enable cots to be accommodated within the room and in new female facilities all mothers with children will be grouped and their buildings sited to afford a higher level of privacy for the children away from the mainstream population within the facility.

Community spaces are incorporated to provide areas where women can congregate away from the normal confines of programs rooms and cells. Children's play areas are provided and located such that they can be overseen by their mothers in park like environments. Walkways are not enclosed as would be normal in male centres and access to activity areas such as sports fields are not constrained by fences.

In general, a female correctional facility is designed to create and foster a freer regime inside the secure perimeter than a male centre with the building layouts designed to encourage small group activities in an open environment.

Recommendation 11 – page 63 of report

That the Department of Corrective Services, as a matter of highest priority, ensures that at least one existing low security facility for women be made fully accessible for prisoners with physical disabilities, and that this also be a high priority for all other existing low security facilities for women.

In noting the recommendation the Department points out the more modern correctional facilities, and the new infrastructure planned, including a purpose built women's facility in Townsville and an additional

women's facility in South-East Queensland, include provisions for the accommodation of women with disabilities. Modifications may be identified and endorsed in other facilities if/when required. However, the realities of financial impost to the Department having regard for the aging current infrastructure of existing open security facilities and the number of women who present to custody with physical disabilities, needs to be considered.

It is noteworthy that, while the infrastructure includes purpose built capacity, there are currently no women with physical disabilities accommodated at BWCC, the predominant secure facility for women in Queensland.

Further, women who present with specific health needs are prioritised for accommodation in close proximity to health and medical services, either those services which exist within the facility on a 24/7 basis or the services of major public hospitals.

Recommendation 12 – page 63 of report

That the Department of Corrective Services provides the necessary, and possibly additional, support services for women with mental health or intellectual disabilities to have the same opportunity to be accommodated in low security facilities as women without those disabilities.

The Department notes the recommendation and understands the anxiety experienced by offenders with mental health issues. It consistently strives to ensure that if at all possible, women prisoners with assessed mental health or intellectual disabilities are placed in low security facilities if this is appropriate. The priority is to meet the health and well-being of the prisoners with high needs and ensure health, medical and other services are available when required. Brisbane Women's Correctional Centre (BWCC) is in close proximity to the services of the Prison Mental Health team and the Princess Alexandra Hospital. The staff at BWCC take the advice of professionals in mental health and intellectual disability on the best placement of women with mental health issues or intellectual disabilities.

Recommendation 13 – page 63 of report

That the Department of Corrective Services ensures any new correctional facilities are designed and constructed to be fully accessible for people with a disability.

The Department notes the recommendation and points out that it seeks to ensure that all new correctional facilities and expansion projects address access issues in accordance with the *Corrective Services Act 2000*,³⁶ as well as current *Disability Discrimination Act 1992* (Cwth) and Building Code of Australia requirements.

Conditional release

Recommendation 14 – page 67 of report

That the Department of Corrective Services provides statistical information annually on women who are released at the earliest possible release date (either as conditional release or post-prison community based release), and the number and percentage of such women who are Indigenous offenders be reported.

The Department notes the recommendation and observes that the current legislative provisions relating to conditional release and post-prison community based release have been reviewed during the review of the *Corrective Services Act 2000*. New legislation will shortly be introduced into Parliament which will

³⁶ Section 119

see conditional release, from the commencement of the legislation, being phased out over a period of some 16 months. Furthermore, post-prison community based release will be replaced by parole which, depending upon the nature of the offence and length of the sentence, will be determined either by the sentencing court or a statutory parole board which will be responsible to the Minister.

These decisions have been taken on the basis that it is inappropriate for the sentence of a court to be administratively reduced by correctional officials and that early release decisions should only be made either by the courts themselves or a statutory parole board which is independent from the Department. It should be particularly noted that the introduction of court ordered parole for prisoners serving short sentences who are not serious violent offenders or sexual offenders should have a significant impact on the release of female prisoners who will be released to parole at a date fixed by a court at the time of sentencing.

Accordingly, while the Department's database is able to produce a wide range of statistical data upon request it is not proposed to provide the particular information as an annual matter of course since conditional release will soon become redundant while the ongoing provision of statistical information with respect to parole release will be a matter for the courts and parole boards to consider.

Recommendation 15 – page 67 of report

That the Department of Corrective Services takes steps to address potential systemic discrimination issues within the control of the prison authorities, such as valid classification assessments; access to culturally appropriate programs; and development of viable release plans, which may prevent Indigenous women being granted conditional release and post-prison community based release at the same rate as non-Indigenous women.

While noting the recommendation, the Department does not use a classification tool as the process is legislatively prescribed. However, classification decisions have previously held up to review by the Supreme Court following applications for judicial reviews. Issues related to security classification have been discussed in more detail in the response to recommendation 2.

The Department manages offenders from a whole of sentence planning approach wherein an offender's criminogenic needs are identified and intervention recommendations are linked to these needs. Offenders' sentences are mapped out to provide them with an optimal opportunity to undertake interventions and activities and pre-release planning prior to their earliest release date. Intervention programs and the pre-release planning processes enable an offender to develop release plans. They are provided with feedback in relation to the viability of these plans and access to staff to support their development.

The Department is committed to ensuring all offenders have access to programs appropriate to their risk levels, intervention requirements, and responsivity needs (including cultural considerations) at the optimal time for them to benefit from participation. This requires assessment based referral and integrated offender management planning and review, key underpinnings of the Integrated Offender Management Strategy which was implemented in July 2005.

Assessment-based referral criteria for all offender intervention programs and the Transitions Program are being reviewed and clarified as part of the Program Improvement Project. This will help ensure that only offenders likely to benefit from a given program will be recommended to undertake that program. This will minimise the instances of offenders being recommended to undertake programs either inappropriate to their needs or that they are unable complete before they are eligible for parole or conditional release.

At present, all participants complete the core Transitions Program modules regardless of their particular re-offending risk, reintegration needs and length of sentence. This results in an inefficient use of resources, over-services some prisoners, and deprives others of adequate assistance.

The Department is in the process of implementing a new integrated transitions support approach which addresses the resettlement and reintegration needs of prisoners based on assessed re-offending risk and identification of any required reintegration assistance. Importantly, this model ensures prisoners serving sentences under 12 months have equitable access to transitional support if needed without being required to complete the more resource intensive Transitions Program. On the other hand, prisoners at higher risk of re-offending, with greater reintegration needs, and serving longer sentences will have prioritised access to the full Transitions Program.

Recommendation 16 – page 67 of report

That the Department of Corrective Services evaluates the progress of women with mental health and intellectual disabilities through each stage of the prison regime to identify and take steps to address issues of potential indirect and systemic discrimination.

The Department concurs with the recommendation. Prior to the implementation of the Integrated Offender Management System (IOMS) in July 2005, the Department had limited capacity to systematically evaluate the progress of particular prisoner groups through the prison system on an ongoing basis. Now, prisoners with mental health problems and intellectual disabilities are identified in IOMS and data on their progress through the correctional system are systematically collected for reporting and analysis.

Within the system, there are a number of points at which all prisoners are assessed for particular needs relating to mental health and intellectual disability. On admission, all prisoners are assessed with the Immediate Risk Needs Assessment (IRNA). Its purpose is to identify critical risk and acute prisoner needs, including mental health, intellectual disability and suicide risk, to guide prisoner care and management requirements. It is administered by a psychologist or counsellor. Prisoners identified as suffering from mental illness are referred for medical or psychological treatment as appropriate.

On admission, all prisoners also undergo a comprehensive medical examination including assessment for mental health and intellectual disability treatment and health / welfare management needs. These examinations are conducted by centre-based nursing staff who refer prisoners identified as suffering from mental health problems or who have particular health concerns related to intellectual disability for treatment as required.

An interdepartmental committee, consisting of representatives from Legal Aid, Justice and Attorney-General, Police, Disability Services Queensland and the Department is investigating processes and instruments for more consistent identification of intellectual disability and cognitive impairment individuals within the justice system. The consultant's final report is due within a matter of weeks. One option under consideration is the inclusion of a recommended screening instrument in the Immediate Risk Needs Assessment.

Psychologists and counsellors are employed at each of the centres and are involved in the assessment, treatment and ongoing management of prisoners with mental health problems and intellectual disabilities. Prisoners are able to access nurses and medical practitioners in centres at any time. Mentally ill prisoners are referred through the Prison Mental Health Service to psychiatrists or other specialists. For critical cases, prisoners may be transferred to the John Oxley Centre, which functions as a psychiatric hospital.

The ongoing care and safety needs of all prisoners are systematically managed. The needs of all prisoners are assessed on a regular basis throughout the time of the sentence, with particular attention given to prisoners who have greater needs or may be more vulnerable due to mental health problems or intellectual disability. When required, specialist services such as the Prison Mental Health Service, the Health and Medical Unit at the Correctional Centre and other areas of Queensland Health and Disability Services are sourced and incorporated into the process. The proposed transfer of prison mental health services to Queensland Health with the additional resourcing will strengthen the process of assessment of the prisoners whilst in incarceration.

Through-care planning for all prisoners begins at admission to custody. Women prisoners with mental health problems or intellectual disability have particular needs with respect to their return to the community. The Transitions Program for Women places emphasis on supporting these women in their resettlement into the community. The integrated transitional support model currently being implemented by the Department (and described in response to Recommendation 4) will further enhance the resettlement assistance provided to this group of prisoners.

The Department is in the process of developing an MOU with the Department of Housing to reduce the risk of homelessness faced by prisoners on leaving custody. Prisoners' access to public housing will be prioritised, and although the prioritisation criteria have not yet been finalised by the Department of Housing, it is intended that mental health or intellectual disability needs would be included.

Recommendation 17 – page 68 of report

That the Department of Corrective Services develops specific programs for Indigenous women to provide opportunities and support for community release.

The Department notes the recommendation and advises that it is already reviewing its various offender intervention programs to ensure they are relevant to the needs of indigenous offenders, including indigenous women. In some instances, it is appropriate to have programs specific to women offenders and indigenous offenders. These programs tend to differ in mode of delivery rather than treatment targets. All offender intervention programs now incorporate individualised community reintegration planning.

A revision of the Department's Transitions Program to better meet the needs of women, indigenous and special needs prisoners is nearing completion. A version specific to women has been completed and is in the process of being implemented at BWCC before being introduced at Townsville. This program offers participants an opportunity to address practical resettlement needs including accommodation and health issues.

Furthermore, an integrated transitions support model has been developed by the Department with implementation to commence before the end of June 2006. In this approach, facility-based Transitions Co-ordinators will ensure consistent access to transitional support for all offenders, enhance program integrity and facilitate the development and maintenance of partnerships with external providers at a local facility level.

The previous delivery model targets prisoners serving sentences over 12 months, with all participants completing the core Transitions Program modules regardless of their particular re-offending risk, reintegration needs and length of sentence.

The new approach addresses the resettlement and reintegration needs of prisoners based on assessed re-offending risk and identification of any required reintegration assistance. Importantly, this model ensures

prisoners serving sentences under 12 months also have access to transitional support if needed. The literature clearly shows that the most effective way to address the re-offending risk of this population is to focus on reintegration needs through coordinated transitional assistance.³⁷

Recommendation 18 – page 68 of report

That the independent justice strategy reviews associated with the Queensland Aboriginal and Torres Strait Islander Justice Agreement be provided with relevant statistics to examine the development, implementation and evaluation of the success of conditional release programs for Indigenous women.

The Department notes the recommendation and has provided a submission to the external review of the Aboriginal and Torres Strait Islander Justice Agreement.

The review of the *Corrective Services Act 2000* has resulted in a proposal to change the way that prisoners are released from custody. A new parole system will mean that all prisoners released before the end of their sentence will be supervised in the community until the end of the sentence imposed by the court.

This means that conditional release will be phased out over a 16 month period and that the majority of prisoners sentenced after the commencement of the legislation who are currently eligible for conditional release will instead be released to parole at a time fixed by the sentencing court. This should result in increased numbers of female prisoners and indigenous prisoners accessing parole.

Post-prison community based release will also be replaced by parole with conditions. Parole Boards will have the responsibility of determining whether prisoners serving periods of imprisonment of over three years, or who have been convicted of a sexual offence or serious violent offence are suitable to be released to parole.

Strip searches

Recommendation 19 – page 75 of report

That prison authorities, at all times, be aware of the development and use of any new technologies or less intrusive methods of search that can replace the need for routine strip-searching in secure prisons. Any equally effective and viable but less intrusive and humiliating alternatives that are developed, should immediately replace routine strip-searching.

As outlined in the forward, while it is acknowledged that many people find the idea of strip searching an affront to their personal dignity, these powers are warranted. Strip searches are essential for prisoner safety and security and assist in the detection of contraband. All states in Australia have a practice of strip searching prisoners.

The Department has always strived to ensure that its strip searching practices and procedures are best practice. Strip searches are performed in accordance with the provisions enunciated in the *Corrective Services Act 2000* and *Corrective Services Regulation 2001* and the process is highly prescribed. There are controls in place to protect a prisoner's personal dignity during a strip search. Strip searching is not cavity or body searching. Prisoners can remain partially clothed at all times of the search. Searches are undertaken by officers of the same sex as the prisoners. In addition, there are at least two corrective services officers present but no more than are reasonably necessary, when the search is undertaken. These safeguards ensure that strip searches are conducted in a professional manner.

³⁷ For example, Social Exclusion Unit (2003). Reducing Re-offending by ex-prisoners. Summary of the Social Exclusion Report.

The Report asserts “if an individual prisoner is assessed as having a low risk of escape or self-harm, routine mandatory strip-searching may not be reasonable.”³⁸ As noted previously, such a statement is naïve to the complexities of the correctional environment in which for example; prisoners who may not themselves present as risks of escape or self harm may traffic contraband including implements of self harm, independently or as a result of pressure from other prisoners. Strip searching is regarded as a critical operational requirement to ensure the security and good order of secure facilities and the safety of persons therein.

The Department continually examines the viability of emerging technology to enhance security practices at correctional facilities. The Department has fully investigated the latest technology which could replace strip searching. However, there is no prison in the world that is widely using this technology, and Queensland will only be willing to support the use of such technology when satisfied that the long term health concerns of x-ray exposure have been resolved for prisoners and staff.

Further, the cost of instillation of this technology to eliminate the need for strip searching at, for example, Brisbane Women’s Correctional Centre would amount to approximately \$2.5M plus approx \$380,000pa depreciation and \$40 - 60,000pa in maintenance costs. There would also be building costs associated with housing the machine. Statewide, this would amount to a cost of \$32.5M plus depreciation and maintenance costs of approximately \$5.6M pa.

Recommendation 20 – page 76 of report

That alternative accommodation arrangements need to be made as a matter of highest priority for those women who are classified as low security but who are accommodated in high security facilities. These women are undergoing an unreasonable and unacceptable number of routine strip-searches.

The Department notes the recommendation but points out that it has been unable to obtain a level of public acceptance of prisoners (men or women) living within the community. Where existing facilities are available the Department has moved to maximise their usage (for example, the Helana Jones Correctional Centre at Albion). The Department’s future plans include for an all residential women’s correctional facility to be established as soon as possible and within budget limitations. However, while this facility will closely mirror public life, accommodation style and activity, it will be contained within a secure perimeter to meet public expectations. It should also be noted that women prisoners classified as low security currently and accommodated in High Security facilities are continuously reviewed for suitability for transfer to lower security environments.

Recommendation 21 – page 76 of report

That the Department of Corrective Services continues to review and reduce the number of routine strip-searches performed on women in the crisis support units. Further, that a new directive be issued to reflect current practice of reducing the number of strip searches in crisis support units.

In concurring with the recommendation the Department is committed to the ongoing review and improvement of the management of women prisoners requiring high levels of supportive accommodation.

The frequency of strip searching for women prisoners is lower than for male prisoners in Queensland. The Department’s policy on strip searching of women prisoners is in line with all other jurisdictions in Australia, and is considered best practice. A new strip searching regime was introduced to Queensland prisons five

38 ADCQ Report, p. 74

years ago, and this has cut drug use from 20% of prisoners six years ago, to now less than 5%.

The Department's commitment to the identification of best practice management and operational security procedures in this regard has been demonstrated by refinement of search practices within the Crisis Support Unit in 2005 resulting in a reduction of strip searches without increased risk of harm to prisoners or staff.

Strip searching no longer occurs upon return to individual cells in the Crisis Support Unit at the Brisbane Women's Correctional Centre when women have not left the unit common areas during the day with the exception of the evening lock away. This alteration to practice has reduced routine strip searching by approximately 50%.

Strip Searching at BWCC April 2005 to December 2005:

April to June 2005	Total: 4473	including	Visits: 963 Reception: 869 CSU: 2493
July – Sep 2005	Total: 3435	including	Visits: 1075 Reception: 782 CSU: 1438
Oct – Dec 2005	Total: 2868	including	Visits: 1167 Reception: 651 CSU: 829

Recommendation 22 – page 76 of report

That the Department of Corrective Services reviews and amends its policies and practices to ensure that female prisoners are not being treated less favourably than male prisoners, in having to undergo numerous strip-searches during inter-prison visits.

In noting the recommendation the Department advises that under the *Corrective Services Act 2000*³⁹ and the *Corrective Services Regulation 2001*⁴⁰ a prisoner may be approved to have a visit with another prisoner including at another correctional facility. The Department's Inter-facility Prisoner Contact procedure administratively supplements these statutory requirements.⁴¹

Prisoners travelling to inter-facility contact, regardless of gender, necessarily undergo increased strip searches⁴² (compared to the visited prisoner) in order to maintain the safety and security of the escort and the secure facilities. For example, a male prisoner accommodated at a secure facility who is participating in inter-facility contact with his father or brother at another secure facility will undergo the exact number of strip searches (associated with leaving and entering two secure facilities) as would a female prisoner accommodated in a secure facility visiting her male partner in another facility.

The Department notes the ADCQ's comment that female prisoners are permitted to visit male prisons, but that male prisoners do not visit female prisoners in female prisons.⁴³ The Department recognises that the circumstances which may result in female prisoners being identified as the "travelling" prisoner when male and female prisoners are participating in Inter-Centre Contact require further examination. This examination will necessarily include consideration of the current departmental procedure relating to "Inter-Centre Contact" as well as the resource provisions for facilitation of Inter-Centre Contact across secure correctional facilities.

39 Section 122(3)

40 Section 23

41 Available at: http://www.dcs.qld.gov.au/Resources/Procedures/Prisoner_Services/Documents/prspointrfcltypriscontoo.doc

42 As required under written directions issued in accordance with section 26A of the *Corrective Services Act 2000*

43 ADCQ Report, p. 70

Rehabilitation and social reintegration

Recommendation 23 – page 79 of report

That the Department of Corrective Services recognises and ensures that its responsibility for the rehabilitation of offenders within its care be given a similar effort in policy and resourcing as its responsibility to ensure community safety.

The Department concurs with this recommendation and has, in fact, been undertaking significant work in an offender programs and services reform agenda since the July 2004 BMR which recommended that:

A new Offender Programs and Services Directorate be established with the function of providing a coordinated approach to offender program delivery, drug prevention and detection, health and medical, and chaplaincy services.⁴⁴

The creation of three directorates, Strategic Policy and Services, Offender Programs and Services, and Offender Assessment and Services from the previous Policy and Programs Directorate as a result of the BMR has shown the Department's commitment to providing an increased focus on rehabilitation initiatives.

Addressing the rehabilitation needs of offenders is essential to achieving government priorities of reducing re-offending and ensuring community safety. Research particularly in the US and the UK has provided evidence that correctional intervention services are an important element in reducing re-offending.

The provision of a clear direction on rehabilitation, endorsed as substantive government policy, will provide assistance on integrating different organisational processes such as offender management, assessment and intervention services to avoid conflicting processes.

The Department is currently undertaking the development of a new Offender Program and Service Reform Agenda. This project was created to undertake a significant review of programs and services. It was tasked with ensuring equitable access to rehabilitation opportunities for all offenders through revised business processes. Revised business processes in assessment, offender management and interventions incorporating international best practice are being examined.

The Reform Agenda also had as a deliverable, the development of a policy on rehabilitation. Development of a substantive policy statement and action plan on rehabilitation is currently being undertaken. The documents will be tabled at the next stakeholder liaison meetings for external consultation.

Recommendation 24 – page 80 of report

That particular program needs of female prisoners be assessed and analysed independently of those for men to ensure that appropriate courses are designed and developed for them.

While noting the recommendation the Department points out that the Offender Risk Need Inventory – Revised (ORNI-R) is used to assess general recidivism risk, criminogenic needs and appropriate interventions for offenders. Research into the reliability and validity of the ORNI-R will be undertaken by the Department in the future when sufficient data has been captured in relation to this tool.

In the interim the Department has commenced an evaluation of the ORNI (the previous version of the ORNI-R). The purpose of the evaluation is to determine whether the ORNI is a valid risk and needs assessment

⁴⁴ BMR Report, p. 54

tool and specifically focuses on the relationship between ORNI scores and the probability of a prisoner returning to corrections. The evaluation will consider such factors as gender and race in relation to the validity of the tool. The results of this study in combination with a review of the most recent research in relation to offender risk and needs assessment will inform the Department in relation to the future use of the ORNI-R.

Further work needs to be undertaken to finalise the evaluation. It is anticipated that an evaluation report will be completed in the first half of 2006.

Nevertheless, it is important to note that the criminogenic needs of women do not differ greatly from those of men.⁴⁵ The program needs of female prisoners are assessed and analysed independently to ensure that, when appropriate, courses are designed and developed for them.

The Department's offender intervention programs address those dynamic reoffending risk factors as treatment targets. Accordingly, for these programs to be effective they should not fundamentally differ from those offered to men. This is also why the Department uses the ORNI-R instrument to assess the intervention needs (only) of men and women rather than having separate tools.

There is some evidence to indicate that the responsivity needs of women differ from those of men. These are addressed in offender intervention programs by, among other things, acknowledging the importance for women of establishing connectedness with others in the group, of building a sense of identity within that connectedness, of enhancing perceptions of safety for program participants, and of incorporating female specific narratives into treatment. To do this effectively, staff must be flexible and responsive to individual as well as gender-based differences in learning styles, engagement and application in the facilitation of offender intervention programs.

As noted in previous correspondence to the ADCQ, the Department is phasing out the Cognitive Skills and Anger Management Programs and replacing them with a more comprehensive program called Making Choices which addresses a broad range of criminogenic needs. A version of the program specially adapted by New Zealand Corrections to better engage women has been adopted by the Department. As the most appropriate assessment tool, the ORNI-R is used as the basis of program referral.

Program facilitation staff from BWCC and Townsville Correctional Centre have been trained in the program which will be implemented by the end of June 2006.

Recommendation 25 – page 80 of report

That programs be critically evaluated on a regular basis to determine the effect they are having on offending behaviour and whether they are assisting women to reintegrate successfully into the community.

The Department notes the recommendation and advises that it already has implemented a three-part program evaluation framework, comprised of program effectiveness, impact and integrity. Under this approach, program effectiveness is determined by any change in recidivism rates associated with program participation. Program impact is identified by examining any change in criminogenic needs (level of risk of re-offending) following program participation, and program integrity, being the quality of program facilitation and delivery, is monitored on an ongoing basis. Together, these three elements constitute the Department's approach to evaluating its programs.

The Department has just completed a review of the Transitions Program, the results of which informed the development of the integrated transitions support model described in the response to recommendation 4.

⁴⁵ Andrews, D. A. & Bonta, J. (2003). The Psychology of Criminal Conduct (3rd Ed.). Cincinnati, OH: Anderson Publishing Co.

A six-month evaluation of the new model is planned. Furthermore, all offender intervention programs will be evaluated at least annually with the results reported to Government.

Recommendation 26 – page 80 of report

That the current proposal by the Department of Corrective Services that resources be put into developing and delivering programs at the optimal time to benefit prisoners in their rehabilitation, be implemented and evaluated as a high priority.

The Department notes the recommendation and advises that a significant amount of work has already been undertaken to review and implement new rehabilitation programs during the past 12 months. Central to all offender management planning and review is the timely delivery of the offender rehabilitation programs and services to offenders.

The Department has recently reported on external evaluations of a number of its offender intervention programs. Evaluated were the Cognitive Skills Program, Anger Management Program, Violence Intervention Program, Community Corrections Sex Offender Program, Sex Offender Intervention Program, and the Substance Abuse: Preventing and Managing Relapse Program. Evaluations identified that programs were outdated, and noted several program issues likely to have a negative impact on program effectiveness.

The Department also sought and received funding for initiatives to revise or replace the evaluated programs in line with evaluation recommendations and to provide program specific training to program staff.

To date the following offender intervention program procurement and associated staff training and implementation activities have been undertaken:

- The Mixed Program (M-PRO) has been obtained from New Zealand Department of Corrections to replace the Cognitive Skills and Anger Management Programs. This program has been renamed the Making Choices Program.
- A version of the program specifically adapted for women offenders has also been procured from New Zealand and staff from BWCC and Townsville Correctional Centre trained in its facilitation. The Program shares a common structure with the Making Choices program for men and addresses similar targets for intervention. However, it also incorporates a focus on issues particular to female offenders in the personal / emotional domain such as victimisation issues, distress tolerance and interpersonal effectiveness.
- A maintenance component of the Making Choices program, appropriate for higher risk / need offenders who have completed the Making Choices program, is being implemented. It provides participants with the opportunity to maintain their learning, monitor and update their offence maps and prevent relapse. It also allows participants to review their community reintegration plans and support needs to ensure they are appropriate to their needs.
- A Preparatory Program, sourced from the United States and adapted to local requirements, is being implemented to enhance high risk / need offenders' responsivity to intervention.
- Medium (Getting Smart) and high intensity (Criminal Conduct and Substance Abuse) substance abuse programs have been obtained from the New South Wales Department of Corrective Services and the United States respectively. The latter program includes specific service delivery guidelines for the provision of the program in a gender appropriate manner for female offenders.

The Substance Abuse: Preventing and Managing Relapse Program will be discontinued. Training in the medium intensity program has commenced with training for the high intensity program planned for next month.

- The High Intensity Sexual Offending Program and Medium Intensity Sexual Offending Program have been developed and implemented to replace the Department's Sex Offender Treatment Program, Sex Offender Intervention Program and Community Corrections Sex Offender Program.
- Preparatory and Maintenance programs for sexual offenders have also been developed and implemented.
- The Violence Intervention Program will also be replaced. Permission has been received from Her Majesty's Prison Service (UK) to use their program, although these arrangements have not yet been finalised.
- Learning support tools, such as MARVIN, are also being implemented to enhance intervention relevance to a wider range of learning styles, literacy levels, and cultures. MARVIN is computer animation software initially designed for use in remote and regional indigenous communities in the Northern Territory. Learning materials can be integrated into voiceovers in any language, which are then synchronised with appropriate animated characters. The characters then deliver an immediately relevant and appropriate message which can be easily adapted for future learning needs. MARVIN will initially be used to support the delivery of Making Choices to indigenous participants.
- Several specialists in the assessment of and intervention with people with intellectual disability are providing advice and assistance to the Department to ensure programs and strategies best meet the needs of these offenders.

The Program Improvement Project will complete its tasks at the end of June 2006. The Making Choices programs replace the Anger Management and Cognitive Skills programs. A new suite of substance abuse programs will replace the Substance Abuse: Preventing and Managing Relapse Program. The Transitions Program has been revised to better meet the needs of women, Indigenous and special-needs prisoners.

All new and revised programs will be implemented by time the Project finishes. Implementation is continuously monitored. Programs will be evaluated annually with reports provided to Government.

All referrals to offender intervention programs are assessment based. Offenders' risk of re-offending, including static and dynamic factors, and responsivity needs determine whether a program referral occurs. Assessment information informs Offender Management Planning and Review to ensure that offenders participate in offender intervention programs at the optimal time for them.

Recommendation 27 – page 80 of report

That a systemic recognition and provision for the special needs of prisoners with intellectual, cognitive or learning impairments occur to ensure these prisoners can successfully access core programs.

The Department notes the recommendation and advises that during the next six months it will no longer provide the core programs of Anger Management and Cognitive Skills. Instead, consistent with contemporary research and practice, four streams of offender intervention programs will be offered to offenders.

These address the mutable causal factors (criminogenic needs) associated with general (Making Choices), sexual and violent offending, and substance abuse. The Department also offers the Transitions Program and transitional support to prisoners prior to their release from custody.

Unlike earlier approaches to intervention, offenders with lower intellectual and cognitive functioning are able to beneficially participate in these programs. This is due to the development of more sophisticated intervention technologies, greater flexibility in terms of facilitation approaches, and more highly skilled facilitation staff. However, research has shown that prisoners with significant levels of impairment benefit more from transitional support, such as the Department's Transitions Program, than from cognitive-behavioural approaches used in programs like Making Choices.⁴⁶

Recommendation 28 – page 80 of report

That women in prison for fewer than 12 months and women on remand for lengthy periods benefit from participating in core programs. As a component of its responsibility to rehabilitate offenders, the Department of Corrective Services must be sufficiently funded to provide core program resources to short term offenders.

The Department notes the recommendation and advises that as women on remand (only) have not been sentenced it is inappropriate to provide them core intervention programs which have been designed specifically for convicted prisoners. Because the Making Choices intervention program, which addresses the mutable causes of (general) offending, requires participants to closely examine the circumstances, decisions and actions associated with their offending, it is not available to women on remand (only).

Women prisoners sentenced to less than 12 months will be able to access substance abuse interventions and transitional support. Due to the duration of the Making Choices intervention program (100 hours), it will not be available to women prisoners serving short sentences.

Vocational and educational training

Recommendation 29 – page 82 of report

That any College of Technical and Further Education or other certificates awarded to a female prisoner for the completion of a course not have the prison's address recorded on the certificate.

While the Department notes the recommendation it advises that all providers of vocational education and training delivering funded and administered by the Department, both TAFEs and private providers, have been informed already that the correctional facility name is not to appear on any certificate or course completion document. Vocational education and training providers are advised of this requirement during an induction process conducted by the Department. All *Certificates*, *Statement of Attainment* and *Result of Assessment* documents provided to prisoners are forwarded by the service provider to the facilities' Education Officers who ensures conformity to this requirement. Any course completion documents received that includes information identifying the correctional facility is, and will continue to be, returned to the service provider for amendment and re-issue.

The *Result of Assessment* document is the only course completion document that has an address and this is restricted to a post office box number only. The name of the correctional facility does not appear on the document. *Statements of Attainment* and *Certificates* provided to prisoners only have the name of the prisoner with no address.

⁴⁶ For example, Andrews & Bonta (2003). *The Psychology of Criminal Conduct-3rd edition*. Cincinnati, OH: Anderson Publishing Co.; Baldry, McDonnell, Maplestone, Peeters (2003). *Ex-prisoners and accommodation: What bearing do different forms of social housing have on social reintegration*. A report for the Australian Housing and Urban Research Institute.

Recommendation 30 – page 82 of report

That prison authorities develop and provide a systemic approach to recognising and providing for the vocational education and training of prisoners with intellectual disabilities.

The Department notes the recommendation and advises that Vocational Education and Training at correctional facilities in Queensland is offered to all prisoners irrespective of their disabilities.

Education Officers who identify prisoners with an intellectual disability organise these individuals together so that trainers can tailor their delivery to meet the needs of this group. Training to identify intellectually disabled prisoners has also been delivered on a one-on-one basis in VET and literacy.

An Inter-departmental committee is currently investigating a process for the identification and assessment of intellectually disabled and cognitively impaired offenders in the justice system.

Once these offenders are identified they will be given every opportunity to be involved in nationally accredited vocational education and training (VET). Training providers will be notified through tender documentation that they will need to cater for this special needs group of offenders. Providers will be encouraged to employ trainers that have had experience working with people with an intellectual disability.

Prisoners with an intellectual disability will not be discriminated against in regard to education and vocational training. Education Officers and Vocational Training Officers will be encouraged to enrol prisoners with an intellectual disability in mainstream learning and training. In order to enhance the training to intellectually disabled prisoners the delivery of training would be paced on their learning rate and not on nominal hours as prescribed by the state training authority.

Further support would be provided to these individuals by providing additional tutorials, sensitive to their needs, which could be delivered in a group or individually.

Work and industry opportunities

Recommendation 31 – page 87 of report

That the Department of Corrective Services takes steps to ensure that the scope for prison industries to provide for rehabilitative services through job-skilling for women is realised.

The Department notes the recommendation and advises that a range of work opportunities are available to women either within prison industry workshops or the general correctional facility environment. No female prisoner is coerced into any work or prison industry; however, all are offered the opportunity to increase their skills and the opportunity to earn remuneration. Many women prisoners readily seek the opportunity for work and extra training.

Women prisoners at BWCC and Townsville Correctional Centre are provided with the opportunity to work in industries at those locations. Women receive skills training in the fields of welding, sewing, timber framing and indigenous crafts. Women who are intellectually or physically impaired are provided opportunities through the packaging of products.

Where possible accredited vocational education and training is also provided to those prisoners which complements the work that they perform in the workshops. The women not only obtain on-the-job employment skills but also obtain credit for the training delivered.

The Department, in partnership with the Department of Employment and Training, provides a Post-Release Employment Assistance Program (PREAP) which assists prisoners to obtain and maintain employment post-release. This program, which commences prior to release, is provided at all correctional facilities in Queensland. The PREAP service providers are able to assist ex-prisoners to obtain employment utilising the work skill and VET qualifications they obtained whilst in custody.

The Department is currently reviewing the function of prison industries and is considering a rehabilitative model which has a focus on providing prisoners with work readiness skills to assist them to obtain worthwhile employment post-release. This model will increase the integration of accredited vocational education and training with the industries. With this model accredited training related to the work being conducted in the industry will be delivered in the prison industry work place.

Recommendation 32 – page 87 of report

That the Department of Corrective Services reviews its policy on bonus payments to ensure that, in determining who should be paid bonuses, unlawful direct or indirect discrimination under the Anti-Discrimination Act 1991 does not occur.

The Department notes the recommendation and advises that it has operated an approved offender remuneration system since 2001.⁴⁷ The rates of remuneration are reviewed by the Director-General each year⁴⁸ and these rates cover four distinct levels of pay applicable to prison industries operation. These rates of pay apply at every correctional facility in the State without exception.

At the inception of the remuneration system a bonus component was also included, essentially as an additional reward or incentive. To qualify for consideration of a bonus, an offender is required to meet the following broad expectations:

- demonstrate exemplary behaviour and good attitude in the workplace;
- demonstrate punctuality for work;
- achieve additional production target if required; and
- meet work related deadlines that are always set to be achievable.

Initially these bonus payments were accepted by offenders as a just reward for having met the broad requirements. However, bonuses by nature are a subjective assessment and whilst every effort has been made to consistently apply the awarding of bonuses, variations in work requirements, different hours of work, and varying complexities in the work requirements at different facilities has made the allocation of bonuses a difficult and onerous task.

In addition, many offenders at correctional facilities have come to expect a weekly bonus allocation irrespective and regard the bonus as a right rather than as a reward for their achievement.

The Department recognises the difficulties associated with the bonus scheme as well as appreciates the importance of maintaining a remuneration scheme that is fair and equitable. It is currently undertaking a significant review of prison industries and, as part of this process, is examining the issue of pay rates and incentive bonuses for prisoners. The purpose of this review is to ensure that remuneration paid to offenders is consistently applied across the State.

⁴⁷ Under the departmental Remuneration Procedure. Available at: http://www.dcs.qld.gov.au/Resources/Procedures/Prisoner_Services/Documents/prsproremuneration00.doc

⁴⁸ In accordance with section 238 of the *Corrective Services Act 2000*

Drug and substance abuse

Recommendation 33 – page 91 of report

That the Queensland Government and Department of Justice and Attorney-General increase the areas in which the Drug Court operates, to ensure that the sentencing options available to it apply to all eligible female offenders across all state postcodes.

The Department notes the recommendation and that such an initiative would be a matter for the consideration of the Department of Justice and Attorney-General in the first instance as well as being subject to the availability of funding through the normal budgetary processes.

The Department of Justice and Attorney-General has advised that Parliament is presently considering the Drug Legislation Amendment Bill 2005 which makes the Drug Court a permanent court.

While at this stage it is not proposed to extend the Drug Court statewide, work is being done to assess the most appropriate locations for any future drug court sites.

Apart from the Drug Court, there are a number of other options and services directed at the drug dependent offenders, such as:

- the police cannabis diversion program - a diversion program targeted to drug offenders early in their criminal career;
- the court diversion program; and
- the Qmerit program (that is the Queensland magistrates early referral into treatment program) which will offer drug treatment while offenders are on bail.

Recommendation 34 – page 92 of report

That access to substance abuse programs while in prison be extended to short term and remandee female prisoners wherever possible. Such programs need to be specifically designed for women and should address the needs of Indigenous women.

The Department concurs with the recommendation and advises of the following actions.

A new departmental drug strategy is being developed which links to the National Drug Strategy and targets the three priority areas of supply reduction, demand reduction and harm reduction. This strategy builds upon current practice and enhances outcomes within all three priority areas.

A key objective of the Department's drug strategy is to assist offenders to establish drug-free lifestyles that benefit not only the individual but also society as a whole. All offenders will be provided with access to quality treatment, intervention and support in accordance with individual need and length of sentence. The strategy endorses treatment that accommodates the diverse needs of female and indigenous offenders and recognises that no single treatment is effective for all offenders. All female offenders, irrespective of sentence length or status, will be screened for drug and alcohol use at entry to the correctional system and subsequent treatment will target any identified needs.

As part of the Program Improvement Project a new suite of programs will be made available to both sentenced and remand female prisoners. Medium (Getting Smart) and high intensity (Criminal Conduct and Substance Abuse) substance abuse programs have been obtained from the New South Wales Department

of Corrective Services and the United States respectively. The latter program includes specific service delivery guidelines for the provision of the program in a gender appropriate manner for female offenders. The Substance Abuse: Preventing and Managing Relapse Program will be discontinued. Training in the medium intensity program has commenced with training for the high intensity program planned for next month.

Currently, the methadone treatment program is available to certain women prisoners at the BWCC and Townsville Correctional Centre.

With the implementation of the Department's new suite of substance abuse programs under the Program Improvement Project, access to substance abuse programs and interventions will be available to women prisoners serving short sentences. Medical services addressing substance abuse-related health problems are available to all prisoners.

Mental health issues

Recommendation 35 – page 102 of report

That more and improved community sentencing options be developed and supported by the Department of Corrective Services, to ensure there are properly resourced pathways to divert offenders with mental health issues from the prison system, when this is an appropriate sentencing option.

The Department notes that this recommendation is a matter for the consideration of the Department of Justice and Attorney-General in the first instance as well as being subject to the normal budgetary process.

In the meantime, the Department established a project team in August 2004 to develop a new model of community corrections in recognition of the decline of the use of community corrections orders by the courts. Working closely with the Department of Justice and Attorney General, extensive consultation has been undertaken with Judges and Magistrates to ascertain what a contemporary community corrections service needs to provide in order to make it a real sentencing alternative.

Simultaneously, the Department looked closely at the needs of the community in an effort to improve the services currently being offered. All offenders will be assessed for special needs. This will allow case managers to refer offenders to specialist agencies in the community, or when assessed as required, refer offenders to a departmental criminogenic program. This is especially important in the case of mental health services. The Department is currently working with Queensland Health to improve forensic health services to prisoners as a result of the Forster Inquiry Report.

In July 2006, a metropolitan pilot of the new model will be established in Southport, Burleigh Heads, Brisbane South and Brisbane West. Complementing this will be the expansion of services in Mount Isa and the establishment of remote services in the Lower Gulf and Torres Strait. This will result in a permanent presence being established in high-need communities including Doomadgee, Normanton, Mornington Island and Torres Strait Islands.

Previously, each of these communities received supervision services from a community corrections officer for two days a month. With the expansion of services two officers will be permanently located in each community. One of these officers will provide supervision services whilst the other will provide programs for offenders. This will provide the courts with increased confidence that community sentencing options will have adequate supervised and supported with rehabilitation programs.

The Department of Justice and Attorney-General has advised that the *Penalties and Sentences Act 1992* provides a range of sentencing options from non-custodial to custodial orders. Ordinarily a sentence of imprisonment should only be imposed as a last resort and a sentence that allows the offender to stay in the community is preferable. This presumption is only displaced for sexual offenders against children and for violent offences.

Many of these non-custodial orders permit the sentencing court to attach conditions aimed at addressing the primary functions of sentencing, that is, rehabilitation, deterrence, denunciation and punishment.

The Department of Justice and Attorney-General would support consideration of the ways in which existing sentencing options can be enhanced and better utilised, before any new options are considered.

Recommendation 36 – page 102 of report

That the Queensland Government addresses the systemic issues in the provision of its overall services (including health, housing, police and justice) to persons with mental illness with a view to reducing the over-representation of women with mental illness in state prisons.

The Department notes the recommendation and would be supportive of any whole-of-Government consideration of the systemic issues in the provision of services to persons with mental illness. To date the Department has been working closely with a number of government agencies to address the issues of special needs prisoners including Disability Services, Queensland Health, Communities and Housing. In addition, the Directors-General of Corrective Services and Justice and Attorney General meet on a regular basis to review the policy and procedures of the two organisations to address issues of offenders with high needs.

The Department is working closely with Queensland Health on prison mental health services and extra funding has been provided for additional services to offenders with mental health issues in the 2005-06 and 2006-07 financial years.

Queensland Housing released in late 2005 a homelessness strategy, *Responding to Homelessness*, which is directing \$235M over four years. A component of this strategy also addresses the needs of homeless people in the legal system. The new initiatives will be funded through the Departments of Communities, Housing, Justice and Attorney General, Tourism, Fair Trading and Wine Industry Development, Aboriginal and Torres Strait Islander Policy, Queensland Police Service and Queensland Health.

Recommendation 37 – page 103 of report

That there be an enhancement of services for the identification and treatment of mental illness for women in custody including:

- *rehabilitation and treatment programs for all women prisoners with a mental health issue. This should account for the complex needs of some prisoners, including varying levels of cognitive capacity and the ability to provide informed consent to participation;*
- *increased access to intensive care facilities for acutely mentally unwell prisoners, by improving psychiatric services generally, including the opening of additional beds in secure psychiatric medical facilities. The detention of such prisoners in the crisis support units of women's prisons is inappropriate.*
- *additional support for counselling and therapeutic approaches to assist female prisoners with mental illness.*
- *identifying alternative and cost-effective ways of treating personality disorders.*

The Department notes the recommendation and advises that it provided two submissions to the Forster Review in mid-2005. The first pertained to the health services provided to prisoners and it was argued that the services would be significantly improved by the transfer of responsibility for prisoner health care to Queensland Health.

The second submission pertained to the issue of prisoner mental health. Prisoners are a group with high prevalence of mental illness, high levels of previous contact with mental health services and high rates of poly substance abuse. The Department recognises the complex needs of this group are likely to be best managed by main stream health services.

Based on the Department's submissions, two key recommendations were made in the *Queensland Health Systems Review*:

- o 7.16 – *A review of current funding arrangements for mental health should occur with a view to improving mental health services for people in correctional and custodial settings.*
- o 7.18 - *Health care in correctional institutions be resourced adequately and Queensland Health and the Department of Corrective Services seek agreement on the best future delivery options.*

In addition to the above recommendations, the review also stated:

Whilst it would be imprudent to transfer responsibility for correctional services population health to Queensland Health at this present time when it is experiencing such service difficulties, it would be reasonable for existing arrangements within correctional facilities to be properly funded and resourced, and for clinicians to make appropriate decisions about the best types of medication regimes that should be provided to these people.⁴⁹

Queensland Health and the Department have established a joint working committee to oversee the development of future delivery options and resourcing requirements.

Recommendation 38 – page 103 of report

That the Department of Corrective Services puts a greater emphasis on developing and strengthening protective factors within women's prisons to mitigate against self-harm and suicide. The proposed legislative amendments should detail that a distressed prisoner should be placed in a crisis support unit as a last resort, and only occur if the woman is a risk to other prisoners or staff. Prisoners should not be secluded if they do not pose a risk to others. Individual care plans should specify the measures required to manage the risk of self-harm and suicide safety, including removal to a specialist mental health facility if required.

While noting the recommendation the Department would point out that its current procedure in relation to Crisis Support Orders (CSO) is that they are to be used where a prisoner is assessed as being at risk of serious self-harm or suicide; has made a suicide attempt and is in need of close monitoring and intensive intervention and cannot be managed in the mainstream corrections system; or is considered at risk of harming others and requires specialised confinement and management. A CSO is not used unless all other options in the mainstream correctional environment have been exhausted.⁵⁰

All referrals to a Crisis Support Unit (CSU) are assessed by the Senior Psychologist. A prisoner will not be placed in a CSU if the risk of self-harm, suicide or harm to others is not the primary concern; if they are assessed as suffering from an active phase of a psychotic disorder, in the absence of risk of harm to self

⁴⁹ *Queensland Health Systems Review Final Report* (Forster Inquiry), September 2005, p. 154

⁵⁰ Procedure available at: http://www.dcs.qld.gov.au/Resources/Procedures/Offender_Management/Documents/ofmprcsuoo.doc

or others; or the primary need is for management of behavioural problems, such as aggression or non-compliance, in the absence of risk of harm to self or others.

A prisoner assessed as acutely psychotic and requiring specialist psychiatric intervention will be referred to an appropriate medical facility by the doctor or consultant psychiatrist and transferred to that establishment if the referral is accepted.

Individual Intervention Management Plans are developed for prisoners placed in a CSU. Each Plan is designed to meet the specific clinical, health and safety needs of the prisoner; ensure the safety of staff and other prisoners; determine the management of the prisoner's risk to self or others; and take into account the willingness of the prisoner to participate and specific interventions to be implemented.

As previously indicated, the *Correctives Services Act 2000* has recently been reviewed. Under new correctional legislation it is proposed that CSOs, together with Special Treatment Orders,⁵¹ will be replaced by new Safety Orders. Where it is deemed that a prisoner should be separated for their own safety or the safety of others they will be accommodated according to their needs.

The new legislation will provide guidelines for the review of Safety Orders by a doctor or psychologist who did not make the order. The Department will base its management of persons on Safety Orders in respect of their self-harm and suicide safety on the professional advice of the doctor or psychologist. The current departmental procedure stipulates that a person under a CSO who requires specialist psychiatric intervention can be referred to an external medical facility and it is not foreseeable that this would change in light of the introduction of the new legislation.

In addition, the proposed legislation will not require prisoners placed on safety orders on the advice of a Doctor or psychologist to be accommodated in crisis support units. It is proposed that following the introduction of the legislation, crisis support units will no longer exist and prisoners who require intensive support because of the risk they pose to themselves or others will be cared for in health facilities either within a corrective services facility or within a hospital setting.

Additional to the legislative changes, the Department is currently exploring options for improving the treatment received by prisoners in respect of their health. The options being explored will provide greater access to services for all health needs with the initial focus being on mental health.

With respect to women prisoners accommodated in the CSU at BWCC, they are not secluded or segregated from other prisoners unless they pose a risk of harm to staff or other prisoners.⁵² Rather, they have the opportunity to interact and attend activities with other CSU prisoners and facility staff. This is preferable to observation cell or detention unit cell accommodation traditionally utilised to accommodate prisoners acutely at risk of self harm or suicide. Removal to specialist mental health facilities is determined by:

- Psychiatrist determination of need
- Availability of mental health beds in the health system

Recommendation 39 – page 103 of report

That a higher level of resources and a multi-disciplinary approach be used to address substance abuse, mental health and sexual assault issues of women prisoners. In particular, a multi-disciplinary approach should make use of non-prison-based and community-based organisations with particular expertise in the areas of substances abuse, mental health and sexual assault.

The Department notes the recommendations and advises that as part of the Offender Programs and Service Reform Agenda, new planning and resource allocation processes are undergoing development.

⁵¹ Corrective Services Act 2000, ss. 38 – 41

⁵² As provided for under section 42(3) of the *Corrective Services Act 2000*

An inter-departmental committee was convened in February 2006 to investigate a whole-of-Government co-ordinated response to the funding of external community based organisations providing services to offenders. All members at the meeting agreed that:

- (a) any community based service asking for funding from another agency (such as Health, DET or Communities) to provide services to offender populations will be required to gain approval from the External Services Accreditation Panel prior to funding from those other organisations being granted;
- (b) other government departments have agreed to examine in partnership with the Department all existing service level agreements to ensure that it has full knowledge of which community organisations are being funded and for what services;
- (c) other government departments funding organisations to provide offender services will assist the Department with the development of supplier specifications relevant to their specific area.

Inappropriate allocation increases inefficiency and decreases effectiveness. Intervention resources are costly to provide and need to be appropriately targeted to make best use of limited resources. Without mechanisms to support continual monitoring and matching of appropriate programs and services to population need resources may be inappropriately allocated to programs and services which are no longer appropriate to meet the needs of the population.

Given the complexity of intervention delivery in corrections, brokerage of services should occur from organisations best placed to meet the identified service need. Some organisations may not have the critical mass to operate viably or may not be adequately skilled to deal with this population. Any proposed model must provide support for local partnerships but at the same time support only appropriate services.

A new funding model for external providers has been developed. The use of a grants framework with appropriate accountabilities will be implemented to oversee funding of external service provision. A legislative basis for grant funding, consistent with other government departments, is being developed within the current legislative review.

Processes developing preferred supplier specifications for the provision of external services regardless of whether they are funded by the Department or other agencies have also begun with members of the inter-departmental committee on external community funding. The Department will seek funding in the 2007-2008 financial year and subsequently go to the market place to source specialised services.

The Program Reform Project has completed an analysis of current delivery of offender programs and services across the state. This analysis identified the need for revision of the type of services currently used as well as the methods by which they are provided to offenders.

No clear defined delivery expectations are given to external providers. This lack of targets and requirements for delivery has allowed the operations of some external providers to remain ambiguous. A partnership framework will negotiate clear performance targets for both parties. Development of reporting frameworks will be a significant change in direction in the management of external provider relationships.

The focus of the proposed delivery methods will be the practical provision of through-care for offenders. These models will also seek to integrate the use of external service providers and other non-government organisations in a new style of service partnership with the Department.

At the stakeholder meeting held in December 2005, an example of the “whole-of-sentence” plans used to achieve better integration and delivery opportunities for offenders was shown. These plans will outline all the programs and services required by the offender, plan delivery to ensure best co-ordination between different interventions and the approximate timing of delivery during the offender’s sentence. All delivery and interventions are evidence-based and use the assessed need profiles of offenders.

In some instances access to programs and services is restricted in certain geographic locations and identification of alternative provision of programs and alternative methods of accessing services through video conferencing is also being examined. All proposals are based on evidence from both national and international jurisdictions on best practice in the provision of intervention and rehabilitation opportunities for offenders.

The use of a grants framework with appropriate accountabilities will be implemented to oversee funding of external service provision. A legislative basis for grant funding, consistent with other government departments, is being developed by the current legislative review team.

It is also proposed to develop preferred supplier specifications for the provision of external services. It is proposed that any community based service asking for funding will be required to gain approval from the External Services Accreditation Panel within the Offender Programs and Services Directorate prior to funding being granted.

Current funding arrangements have been extended until June 2006. During this time the management of external providers will be governed by the External Services Accreditation Panel. This interim arrangement will continue until June 2007 when the implementation of the reform agenda proposals will be finalised.

Recommendation 40 – page 104 of report

That all prison staff receive mandatory training on the identification and provision of appropriate responses to prisoners experiencing mental health problems. These skills need to be developed and maintained.

The Department notes the recommendation. Identifying and responding to prisoners experiencing mental health problems is a priority for the Department. Consequently, the ADCQ Report’s assertion that the initial training program for correctional officers only “briefly touch on mental health issues”⁵³ is rejected.

The Department’s Entry Level Program for custodial officers includes sessions on mental health issues and Suicide Prevention as part of the theoretical base for other practical components throughout the program. These sessions include recognising the signs and symptoms of prisoners with mental health problems, and the processes for referral to appropriate professional assistance. Situational Skills components of the course focus on the recognition and appropriate management of people with mental health problems. This theoretical material underpinning this component has been developed in consultation with Queensland Mental Health and meets the current requirements of the National Correctional Services Training Package. This material is constantly reviewed and enhanced in line with developments in the management of people with mental health issues.

As part of the ongoing development of the mandatory training program, the Department is currently reviewing suicide prevention training to enhance responses to mental health issues. It is expected that this package will be available for delivery in April 2006. This will also ensure that recognising and responding to mental health issues becomes a clearer component of the ongoing accreditation of officers.

The Department is also developing a refresher course in suicide prevention for professional staff to ensure their skills are maintained and updated. A refresher course for the standard suicide awareness is also being planned. This is likely to be held on tri-annual basis.

53 ADCQ Report, p. 97

The National Correctional Services Training Package, which is currently under review, is addressing the need for greater attention to the management of prisoners with mental health needs. As part of this review, all jurisdictions have recognised the importance of ongoing development of training in this area. The insights developed in the reviewed National Correctional Services Training Package will be incorporated by the Department when the new package is endorsed in August 2006.

Recommendation 41 – page 104 of report

That the establishment and adequate resourcing of step down accommodation facilities be put in place for women with mental illness on their release from prison.

Although this recommendation is noted, the issue is being addressed across a number of departmental key activities and interdepartmental committees.

Transfer of prisoner mental health services from the Department to Queensland Health is currently being considered to ensure continuity of care for prisoners. Many prisoners source the services of mainstream mental health services prior to incarceration. Queensland Health will provide professional services for the individual in the community, in custody and when returned to the community.

The Transitions Program which meets the needs of women has been developed and will be implemented in the second quarter of this year. This program provides prisoners with an opportunity to address their practical resettlement needs prior to release including accommodation issues, health issues (including mental health and substance abuse issues), education and training and basic money management skills. The goal is to provide support for a smooth re-entry to the community as a means of reducing the likelihood of reoffending.

A review of External Service Providers as part of the Offender Programs and Services Reform Agenda is underway to ensure funding is targeted to the high need areas. This pertains to both departmentally funded and other government-funded external service providers. Some external service providers are funded by the Department and other government agencies to provide transitional support which includes emergency accommodation and funding, transport and linkages with government and non-government support groups.

Other health issues

Recommendation 42 – page 105 of report

That mobile breast screening services be provided within the prison facility on a regular basis to prisoners who are of the age group where routine screening is recommended best practice.

The Department notes this recommendation and advises that this was investigated by it and Queensland Health approximately two years ago. It was found that the service would not be viable as there were insufficient numbers of women over the age of 50 years to warrant a dedicated breast screening service at BWCC. It would have not been a cost effective use of the mobile breast screening service. All women have access to the Health and Medical Unit within the correctional facility and are able to access the services of a Visiting Medical Officer and nursing staff. If a woman requires breast screening services then this is accommodated through the Princess Alexandra Hospital.

Custody issues

Recommendation 43 – page 106 of report

That male prison officers not be assigned responsibility to conduct regular observations of women in observation units or inspections of women at night.

In noting the recommendation the Department points out that as a result of its own initiative it obtained from the Anti-Discrimination Tribunal Queensland, on 5 January 2004, an exemption for BWCC to recruit, establish and maintain 70% female staff in the positions of Custodial Correctional Officer and Correctional Supervisor at the facility. Currently, BWCC operates at level of 68% female and 32% male custodial correctional officers, and has actively engaged in recruitment activities to achieve the 70%.

Rosters are reviewed daily to ensure appropriate gender balance across the facilities accommodation areas and increased numbers of female staff in areas requiring increased supervision and observation. Male officers do not conduct duties in prisoner accommodation areas without the presence of female officers.

Aboriginal and Torres Strait Islander women

Recommendation 44 – page 115 of report

That the Department of Corrective Services researches, considers and implements strategies that aim to reduce potential systemic discrimination against Indigenous women in the corrections system.

In noting the recommendation the Department recognises that indigenous over representation in prisons, for both men and women, is a key strategic issue facing the Government. Part of this problem is due to the limited resources available in remote indigenous communities.

In response to this the Department has strengthened its efforts to ensure that indigenous people from remote areas of the State have enhanced access to community supervision. This in turn will provide increased opportunities for indigenous women to access early release via parole.

Furthermore, it is anticipated that the expansion of these community corrections services will result in offenders being diverted away from prison. In communities such as Doomadgee, Mornington Island, Torres Strait Islands and Normanton a permanent community corrections presence will result in a decrease in the number of indigenous people receiving short sentences, due to the courts enhanced confidence that these offenders will receive supervision and programs in their own communities.

Overall, the Department's response to these communities is designed to improve equity of service to overcome any systematic discrimination resulting from an offender living in remote area.

Recommendation 45 – page 115 of report

That the Department of Corrective Services investigates models for programs and facilities that address the unique needs of Indigenous women prisoners, and in particular when designing and building new facilities for female prisoners in North Queensland.

In noting the recommendation the Department seeks, in accordance with the *Corrective Services Act 2000*,⁵⁴ to ensure that all new correctional facilities within Queensland make provision for an indigenous area that typically includes both internal and external meeting and activity spaces.

⁵⁴ Section 119

In line with best practice it is pursuing a model for programs that is evidenced based and regularly evaluated for effectiveness. This has recently resulted in the development of a new suite of programs which includes an emphasis on innovative ways to deliver programs for indigenous offenders. New audio visual based tools purchased by the Department will ensure that these evidence based programs will become increasingly accessible to female indigenous prisoners. Also in line with best practice, programs will be delivered to offenders on an assessed need, as research indicates that adverse effects may result from untargeted programs.⁵⁵

Complementing this approach is the need to build facilities that make provision for an indigenous area that typically includes both internal and external meeting and activity spaces. Where possible these facilities will also be retrofitted to existing centres

Recommendation 46 – page 115 of report

That the Department of Corrective Services increases the employment of Indigenous female staff in women's prisons to assist in addressing ongoing issues of rehabilitation and recidivism of Indigenous prisoners.

In noting the recommendation the Department recognises the richness that a diverse workforce contributes to the organisation. We aim to value and utilise the different experiences, backgrounds and capabilities of our staff to better achieve our business goals and to create an inclusive environment that enables all employees to contribute to their full potential. This is articulated in the current "*Diversity in Corrections Management Plan 2005-08*."⁵⁶

Aboriginal and Torres Strait Islander employees currently represent 4.2% of all departmental employees. The whole-of-Government target is 2.4%.

The Department has identified that recruitment and selection processes do present barriers for Indigenous applicants. Accordingly, the Department has changed its recruitment and selection processes to be more enabling for all diversity groups but more specifically Indigenous persons. By 30 June 2007, the Department proposes to have increased the appointment rates of Indigenous employees from 3% of appointments per year to 6% per year. Changes to the recruitment and selection process include the removal discreet selection criteria for positions and adopting a greater focus upon employment and experiential backgrounds to best match persons with positions.

The Department has embarked upon a strategy to make itself a more attractive employer within the labour market and specifically amongst Indigenous people and women. In a recent employer branding campaign for "start up positions" in North West Queensland, the Department has targeted persons with the ability to quickly establish strong relationships with community leaders. General recruitment campaigns via whole of state advertising are now also focussing upon women from diverse employment and experiential backgrounds to work in the Department. Responses to both attraction campaigns have resulted in an increased interest and response from both target areas.

In an effort to assist gender re-balance at BWCC the Department applied for and was granted an exemption to a range of provisions of the *Anti-Discrimination Act 1991* that allowed the Department to overtly recruit and select women for roles at that centre. That strategy has successfully increased the number of women at the centre which is currently targeted at a 70:30 ratio.

⁵⁵ "There is evidence to suggest that intensive levels of services with low risk offenders either has no effect on recidivism or, may even increase recidivism."

Bonta, J. (1997) *Offender Rehabilitation: From Research to Practice*, Canada: Canada: Public Works and Government Services, p. 5. Available at: http://ww2.psepc-sppcc.gc.ca/publications/corrections/199701_e.asp

⁵⁶ Available at: http://www.dcs.qld.gov.au/Publications/Corporate_Publications/Miscellaneous_Documents/Diversity_in_Corrections_05_08.pdf

Recommendation 47 – page 115 of report

That the Department of Corrective Services researches the effectiveness of introducing Indigenous healing programs for Indigenous female prisoners in Queensland.

In noting the recommendation the Department has always been concerned to meet the specific needs of Indigenous prisoners. Both the Queensland Murri Chaplaincy Corporation and the Brisbane Council of Elders are funded by the Department to provide services to Indigenous female prisoners within the correctional system. These services are currently at liberty to provide healing programs to those prisoners who require them. Indeed, the *Corrective Services Act 2000* specifically allows for the chief executive to appoint “spiritual healers” to service the needs of Indigenous prisoners.⁵⁷ Evaluation of these services, and all other services provided within correctional facilities, is currently being addressed within the current Programs and Services Reform project. The recommendations in this regard will be presented in June 2006 with implementation by June 2007. Among the recommendations will be the introduction of a needs-based assessment of all offenders to determine which services they require.

Additionally, the Department’s Offender Programs and Services Directorate is currently developing strategies for evaluating all programs and services delivered to offenders. These include:

- process evaluation: evaluating organisations, relevant qualifications for service delivery, levels of delivery, performance targets; and
- outcome evaluation: client satisfaction (offenders and Departmental), pre- and post-program psychological testing and measurement of institutional behaviour post program.

Young women in prison

Recommendation 48 – page 117 of report

That the Queensland Government immediately legislates to ensure that the age at which a child reaches adulthood for the purposes of the criminal law in Queensland be 18 years.

The Department notes the recommendation and observes that it would require a whole-of-Government consideration. The Department operates in accordance with the *Corrective Services Act 2000* which provides that a prisoner who is under 18 years must be kept apart from other prisoners who are 18 years or older unless it is in the prisoner’s best interests not to be kept apart.⁵⁸ The *Corrective Services Act 2000* also requires the Department to take account of the special needs of such prisoners.⁵⁹

Recommendation 49 – page 117 of report

That it is not in the best interests of 17 year old offenders to be placed in an adult prison, or for correctional authorities to place a female 17 year old offender in a protection unit of an adult prison. The Queensland Government and correctional authorities should take immediate steps to cease this practice.

The Department notes the recommendation and observes that it would require a whole-of-Government consideration of the legislative and resource issues involved. The duty of the Department is to ensure the safety of prisoners. While 17 year old offenders continue to be accommodated in adult custody it may be necessary on occasions to house a particular 17 year old in a discrete area within a correctional facility if this is appropriate in ensuring their safety.

⁵⁷ Section 218

⁵⁸ Section 13(2)

⁵⁹ Section 3

Culturally and linguistically diverse prisoners

Recommendation 50 – page 119 of report

That prison authorities routinely access telephone interpreting services for prisoners who are not confident in the English language, for the reception process and any discussion involving their case management, health or other issues of significance.

In concurring with the recommendation the Department advises that telephone interpreter services are routinely accessed for prisoners for all significant assessment, interventions, and processes. On sight interpreters may also be engaged as required. The Department is also subject to the whole-of-Government Language Services Policy which requires agencies to provide interpreter assistance.⁶⁰

Recommendation 51 – page 119 of report

That prison authorities make all reasonable efforts to ensure programs are accessible to prisoner from non-English speaking backgrounds.

The Department notes the recommendation and advises that Offender Intervention Programs are accessible to prisoners from non-English speaking backgrounds. The new programs introduced under the Program Improvement Project are not as reliant on literacy skills or participants' ability to comprehend verbally conveyed program content as previous interventions. The Department will continue to develop strategies to assist non-English speaking prisoners in accessing relevant programs.

Recommendation 52 – page 119 of report

That prison authorities take all reasonable steps to ensure literature and reading material is provided to prisoners in their own language.

The Department notes the recommendation. A pamphlet, *Entering Prison – a guide for prisoners entering a Queensland Correctional Centre*, is provided in eleven languages. These are English, Arabic, Chinese, Dari, Indonesian, Filipino, Malay, Serbian, Vietnamese, Spanish and Thai. The pamphlet states that if a person is unable to understand English they can request the services of an interpreter.

In 2005, the Department developed its first Multicultural Action Plan.⁶¹ One of the key outcomes of the plan is that the cultural, linguistic and religious diversity of offenders is acknowledged and accommodated where practical. A key performance indicator is providing access to media for culturally and linguistically diverse prisoners in their mother language including newspapers and books.

A review of all correctional facility libraries is underway to ensure the resource needs of the prisoners are met and the collections remain current.

Recommendation 53 – page 119 of report

That prison authorities take reasonable steps to cater for the dietary requirements of inmates from different cultural backgrounds without cost to the prisoner.

In noting the recommendation the Department advises that correctional facility menus are externally reviewed, for example BWCC by QUT, to ensure they are nutritionally sound and would reasonably meet

⁶⁰ Available at: <http://www.premiers.qld.gov.au/library/pdf/MAQpolicy05.pdf>

⁶¹ Available at: http://www.dcs.qld.gov.au/Publications/Corporate_Publications/Strategic_Documents/MulticulturalActionPlanLowResFINALVERSION.pdf

the nutritional requirement of the prisoner population. Furthermore, special buy-ups have been made available for prisoners with a preference for additional culturally appropriate items.

Recommendation 54 – page 119 of report

That prison authorities take reasonable steps to accommodate the differing needs and religious observances of prisoners from culturally diverse backgrounds.

In noting the recommendation the Department observes that it has a long history of providing for the religious needs of prisoners. These services include Christian, other faith and Indigenous religious observances. Additionally, the Department encourages religious visits from those religious groups not represented on the State Chaplaincy Board.

The *Corrective Services Act 2000* allows for the appointment of Chaplains⁶² and of “elders, respected persons and spiritual healers”.⁶³ The new correctional legislation to commence later this year will replace the term “Chaplain” with the term “Religious Visitor” which has a universal application to all faiths. The State Chaplaincy Board itself is currently reviewing its service delivery with a view to meeting the diverse religious and spiritual needs of the offender population.

As noted previously, the Department developed its first Multicultural Action Plan in 2005. One of the key outcomes of the plan is that the cultural, linguistic and religious diversity of offenders is acknowledged and accommodated where practical.

A number of performance indicators were established as part of this plan. Some of the following performance indicators have been achieved while some of them are planned for implementation over the next 18 months.

- Translating essential information into the languages of the major ethnic groups represented in custodial and community corrections.
- Providing for a range of dietary needs in correctional facilities, based on culture or religion, where reasonable.
- Allowing prisoners to have religious items in their cells, where safety and security allow.
- Establishing culturally appropriate sites in correctional facilities.
- Providing access to media for culturally and linguistically diverse prisoners in their mother language including newspapers and books.
- Reviewing the effectiveness of the Official Visitor initiative to manage discrimination or disadvantage for prisoners from culturally and linguistically diverse backgrounds.
- Ensuring a sound mechanism exists for offenders’ alleged complaints about cultural and linguistic disadvantage and discrimination.

As to BWCC, provisions for the spiritual needs of women are accessible. Women may be visited by a religious visitor of any denomination not represented in the facility’s chaplaincy team without the visitation affecting social visitation entitlements. Similarly, reading and other material of religious significance may be accessed via individual request to the person in charge provided the material does not present a risk to the security or good order of the facility.

62 Section 217

63 Section 218

Women prisoners who are mothers of dependent children

Recommendation 55 – page 123 of report

That the Queensland Government considers alternatives to custody including home detention, periodic detention and community service orders for women with dependent children.

The Department notes the recommendation and that it would need to be subject to the consideration of the Department of Justice and Attorney-General in the first instance. The courts already use a full range of community based orders for less serious crimes and when the court feels the offender does not pose a risk to the community. This group of offenders, who consistently breach the conditions, of those orders eventually may receive a term of imprisonment.

It is the Department's view that periodic detention would not address the issues raised by the ADCQ and, in fact, would only exacerbate the separation anxiety experienced when a female prisoner with children was required to undergo periodic imprisonment in order to fulfil the terms of her sentence.

The Department of Justice and Attorney-General has advised that the *Penalties and Sentences Act 1992* provides a range of sentencing options from non-custodial to custodial orders. Ordinarily a sentence of imprisonment should only be imposed as a last resort and a sentence that allows the offender to stay in the community is preferable. This presumption is only displaced for sexual offences against children and for violent offences.

Many of these non-custodial orders permit the sentencing court to attach conditions aimed at addressing the primary functions of sentencing, that is, rehabilitation, deterrence, denunciation and punishment.

Consideration of the ways in which existing sentencing options can be enhanced and better utilised would be supported, before new options are considered.

Recommendation 56 – page 123 of report

That the Commission for Children and Young People and Child Guardian undertakes research to identify the impact on children of women in incarceration.

The Department notes the recommendation and that it would be a matter for the Commission for Children and Young People and Child Guardian as to whether it undertook research to identify the impact on children of women in custody. Given ADCQ's recommendation 66 it may be appropriate that if the Commission did undertake such research, that it extended it to the incarcerated parents of children, not just women in custody.

Recommendation 57 – page 123 of report

That section 9 of the Penalties and Sentences Act 1991 [sic] be amended to include the principle that the best interests of the child be a factor to be considered when sentencing a person with a dependent child.

The Department notes the recommendation and that any initiative in this respect would need to be a matter for the consideration of the Department of Justice and Attorney-General and the judiciary in the first instance.

It is the Department's experience that notwithstanding this principle is not specifically stated in the

Penalties and Sentences Act 1992, in practice sentencing courts do have regard to the family responsibilities of offenders.

The Department of Justice and Attorney-General has advised that it does not support amending the *Penalties and Sentences Act 1992* to include the principle that the best interests of the child be a factor to be considered when sentencing a person with a dependent child.

In sentencing an offender, the court aims to make the punishment fit the crime, and the circumstances of the offender, as much as is possible. Guidance is provided by the purposes of sentencing set out in section 9(1) of the *Penalties and Sentences Act 1992* (to punish, to provide conditions for rehabilitation, to deter the offender and others from committing the same or similar crimes, to make clear that the community acting through the court denounces the conduct, and to protect the community from the offender) and by the sentencing principles set out in section 9(2) to (6).

Ordinarily a sentence of imprisonment should only be imposed as a last resort and a sentence that allows the offender to stay in the community is preferable. This presumption is only displaced for sexual offences against children and for violent offences.

The sentencing court is well equipped to take into account the fact that an offender has a dependant child in framing an appropriate sentence. However, case law shows that this consideration should not overwhelm other relevant considerations such as the need for deterrence, denunciation and punishment. These considerations are the primary function of the sentencing process. Mandating the best interests of a dependant child as a relevant consideration for sentencing is not consistent with this primary function of sentencing.

The Department of Justice and Attorney-General notes that the principle would apply to any sentencing order – such as community service or fines, not just imprisonment. It is conceivable that an offender could argue that any sentencing option is not in the best interest of a dependant child.

Although it may be a relevant circumstance in some cases, it is not appropriate to elevate the best interests of a dependant child as a primary sentencing objective.

Recommendation 58 – page 123 of report

That prisons which accommodate dependent children with their mothers provide adequate living and play space and organised activities for those children, in accordance with community standards.

In noting the recommendation the Department seeks, in accordance with the *Corrective Services Act 2000*,⁶⁴ to ensure that all new female correctional facilities provide accommodation areas suitable for children to accompany their mothers. The new Townsville Women's Correctional Centre will provide a discrete mothers unit which will include a children's play area.

With respect to BWCC, the Department considers that the facility has more than adequate space, play provisions and child-oriented services and activities as articulated separately in this response. The issues specific to Townsville Correctional Centre will be remedied by the provision of a new purpose built facility for women.

Recommendation 59 – page 123 of report

That the Department of Corrective Services expands and further develops mothers and children's units, in

⁶⁴ Section 119

which imprisoned mothers may be accommodated with their children. These should be separate facilities, which are family-friendly and staffed by specially trained corrections officers.

In noting the recommendation the Department will ensure that as new or additional facilities are provided, the needs of imprisoned mothers with children will be included as a high priority.

Recommendation 60 – page 124 of report

That the Department of Corrective Services reviews the policy of family contact for women prisoners of dependent children, including the use of free video conferencing and facilitation of family visits.

In noting the recommendation the Department would point out that in 2003 it contributed to the Prisoner Access Project – Networking the Nation and worked in collaboration with Legal Aid Queensland. The project aimed to assist prisoners maintain and strengthen relationships with their family and the community, particularly in remote and regional locations. The Department subsequently produced a procedure, *Videoconferencing for Prisoner Access Project*, to facilitate contact between prisoners and their families in rural and remote locations through video conferencing.⁶⁵

For video conferencing to occur, there must be appropriate equipment available for the family member to use. A ‘community site’ is a community or government run site within the community that has videoconferencing facilities, which has been approved by the chief executive. Applications for a site to become a community site are to be directed to the chief executive.

The Department makes significant efforts to facilitate prisoner contact with their families. In recognition of the transportation difficulties for people residing in rural and remote locations the Department has supported the establishment of video conferencing and has agreed that the corrective services facility initiating the call will pay associated costs with the call. The provision of video conferencing equipment, staff to facilitate the service and covering the costs of the call are considered to demonstrate the Department’s commitment to this issue.

With respect to the ADCQ’s call for facilitation of family visits, the Department provides for the maintenance of family relationships through a number of options including allowing some children under five to reside with their mother during incarceration, personal visits, telephone calls, video conferencing and written correspondence. The Department also provides funding to external bodies such as the Prison Transport Service operating in South East Queensland which assists facilitate visits to prisoners through the provision of transportation. The difficulty with visits for families residing in rural and remote locations is noted and this is one of the reasons for the Department’s support of video conferencing.

Recommendation 61 – page 124 of report

That women with children who are leaving prison be provided with transitional assistance after release from prison, particularly in securing appropriate accommodation, financial support and employment, and in accessing health and welfare services.

The Department notes the recommendation and advises that it, together with a number of other government agencies, already allocate some funding to non-government organisations to provide transitional support including accommodation, transport and emergency funding.

The proposed future transfer of all departmental health and medical services to Queensland Health will promote a continuity of care for women transitioning to the community.

65 Available at: http://www.dcs.qld.gov.au/Resources/Procedures/Prisoner_Services/Documents/prsprovideconfoo.doc

A recent departmental review of the Transitions Program identified certain limitations, despite unequivocal feedback from key stakeholders as to the benefits of the program and positive practical outcomes achieved by participants. The review made a number of recommendations, including the establishment of facility-based Transitions Coordinators and the implementation of an integrated transitions support model which provides for access to the Transitions Program for high risk / re-integration need prisoners, and access to coordinated transitional assistance for all other prisoners. These recommendations will be implemented before the end of June 2006.

Women with children leaving prison will be supported by facility-based Transitions Coordinators responsible for identifying prisoners' resettlement needs, providing oversight of transitions planning, liaising and coordinating external service providers, and delivery of Transitions Program. Links with community-based agencies are established while women are still in prison to facilitate access to required services on release.

Transgender female prisoners

Recommendation 62 – page 125 of report

That corrective authorities should operate on the presumption that transgender prisoners ought to be accommodated in facilities which are appropriate to their gender identification. This presumption should be subject to an option of these prisoners being placed in either a male or a female prison if they have legitimate safety concerns about being placed in a prison of their self-identification.

The Department notes this recommendation. The issue of the accommodation of transgender prisoners is very complex. While the gender identification of the prisoner and their wishes are relevant consideration, so too is the security and good order of correctional facilities and the safe custody and welfare of the prisoner and other prisoners. The Department is very cognisant of its duty of care and its responsibility to ensure the safety of prisoners.

The Department's approach to the placement and accommodation of transgender prisoners is to deal with each matter on a case by case basis and weight up the various considerations which may include such factors as:

- the risk the offender may pose to the safety and security of the placement facility;
- whether the offender has been convicted of a sexual offence, involving a child, in Queensland or elsewhere;
- the risk to the offender or to other offenders at the placement facility; and
- the offender's preference for accommodation in a male or female facility.

Prisoners who are dissatisfied with their treatment in this regard may raise their concerns through any of the internal or external complaint handling bodies.

The Department notes that it is currently dealing with a complaint from a pre-operative male to female transgender prisoner who is accommodated in a male correctional facility. Although the prisoner is not seeking a transfer to a female facility, the prisoner is complaining that they are being denied access to female toiletry products (such as Palmers Cocoa butter formula, Neutrogena soap, Pantene Pro. V shampoo and conditioner and hair removal cream and exfoliating brush), female running shoes, female nightie/pyjamas and high boots.

Recommendation 63 – page 125 of report

That all medical needs of transgender prisoners be addressed while they are in prison including provision of hormone treatment and necessary physical and psychological support services.

In noting the recommendation the Department advises that each request is considered and determined by the Health and Medical Services Branch, in consultation with the offender's medical practitioner, other relevant health professionals, current legislation policy and procedure with regard to private medical treatment within a reasonable time.⁶⁶ Generally, hormone treatment will be provided to transgender offenders who have been receiving such treatment prior to being imprisoned. In other circumstances, an offender may be referred for specialist review to a specialist service, for example the Sexual Health Services Transgender Clinic.

Recommendation 64 – page 125 of report

That transgender prisoners have a choice about being placed 'in protection' if they decide this is the safest environment, and they should suffer no disadvantage of entitlements from this choice.

In noting the recommendation the Department would point out that it has a duty of care to provide a safe environment for an offender in the correctional system. The Department's Protection Procedure⁶⁷ provides for the assessment process for an offender who may be assessed as being at risk of harm and requires protection.

The person in charge of a facility is responsible for the safety of an offender who makes a verbal request or written application for protection from the time the request or application is received until the matter is determined.

If a prisoner has chosen to be placed on protection this does not, *ipso facto*, mean that they must "suffer disadvantage of entitlements". However, it can mean that they may not be able to enjoy some of those entitlements at the same time as the mainstream prison population who are not on protection (for example, use of the facility's recreation area may only be able to occur when those from whom a transgender prisoner has sought protection are not present). The reality of the correctional environment in this regard is recognised under the *Corrective Services Act 2000*.⁶⁸ The ADCQ also noted that the stigma of protection can lead to a protection prisoner being thought of by other prisoners as an informer.⁶⁹

Accountability of prisons

Recommendation 65 – page 129 of report

That all corrective services staff receive mandatory training and information about unlawful discrimination and sexual harassment, Indigenous issues and dealing with people from culturally and linguistically diverse communities.

In noting the recommendation the Department points out that the entry level training program includes

⁶⁶ *Corrective Services Act 2000*, s 16; Departmental procedure available at: http://www.dcs.qld.gov.au/Resources/Procedures/Health_and_Medical/Documents/hamproprivmedtreatmentoo.doc

⁶⁷ Available at: http://www.dcs.qld.gov.au/Resources/Procedures/Offender_Management/Documents/ofmprotectionoo.doc

⁶⁸ Section 38(4)(a)

⁶⁹ ADCQ Report, p. 116

significant coverage of the issues identified in this recommendation. The program incorporates elements such as cultural diversity, discrimination, harassment, equal employment opportunity and the Departmental Code of Conduct.

Instructors assess trainees on these components both in respect of the theoretical elements of the program and as displayed in their behaviours to staff and prisoners during the Entry Level Program. This process includes three performance feedback assessments, the last of which is conducted by the General Manager of the correctional centre after the centre placement.

The Human Resource Procedure *Accreditation, Registration, Qualifications* asserts that all custodial correctional officers must maintain competencies in certain mandatory tasks, duties and skills. These include measuring the officer's behaviour and performance against the principles of the Department's Code of Conduct. It also involves the assessment of officers against the competencies associated with the key tasks of managing offenders and supervising offenders of differing nationalities and ethnic origin. This reassessment must take place for each officer on a three-yearly basis.

In addition to this training for custodial officers, a Learning and Development Programs Framework for all staff is being developed in accordance with the Learning and Development Strategic Plan which was recently endorsed by the Department's Learning and Development Board. As part of that process, induction materials for all employees of the Department are being developed which routinely cover these critical areas.

The Department has recently strengthened the Code of Conduct. Implementation of the revised Code includes the roll-out of training for all staff by officers of the Ethical Standards Branch. The revised Code and the training program cover in detail each of the issues outlined in recommendation 65.

Recommendation 66 – page 129 of report

That research and statistics produced by the Department of Corrective Services on offenders in the corrective services system includes the following data: gender, race, disability and the impact on dependent children of incarcerated parents.

The Department notes the recommendation and observes that it currently collects data in respect of an offender's gender and race. There is also scope for an offender's disability to be recorded in the Medical-in-Confidence assessment and a physical disability noted in the Immediate Risk Needs Assessment. It should be noted though, that it can be difficult to identify disability. Intellectual disability and cognitive impairment and psychological and psychiatric disabilities, in particular, can be difficult to diagnose and identify, particularly where some of the assessment process relies on self-report.

To assist in this area the Department is currently working with Disability Services Queensland, Legal Aid Queensland and the Department of Justice and Attorney-General to develop a shared screening tool to identify offenders with an intellectual disability, a common data collection system across the criminal justice system, and access to expert consultancy advice to ensure that these offenders are managed safely and appropriately. This will assist in identifying offenders with an intellectual disability. The Department has also commenced preparations to conduct a survey to identify the prevalence of intellectual disability in corrective services facilities.

While the Department is not adverse to that element of the recommendation which calls for it to collect data on the impact on dependent children of incarcerated parents,⁷⁰ it would first need to consider the

⁷⁰ Since it has certain responsibilities for child safety matters as recognised under the Child Protection Act 1999.

results of any research undertaken by the Commission for Children and Young People and Child Guardian in accordance with recommendation 56. Other factors, such as whether such data would become publicly available and whether this could in turn impinge on the privacy of individual children involved, would also need to be considered.

Recommendation 67 – page 130 of report

That legislation be enacted to ensure that the Office of the Chief Inspector of Prisons has the power to bring independent scrutiny to the standards and operational practices of correctional services throughout Queensland. This jurisdiction should also extend to juvenile detention centres. The legislation must ensure that:

- *the Office is properly independent of the Department of Corrective Services and the Department of Communities;*
- *the Office is answerable to and reports directly to Parliament.*

The government must ensure that the Office is adequately resourced to perform its role.

The Department notes the recommendation and observes that the matters raised therein would require whole-of-Government consideration. However, the Department would not be supportive of the proposal.

Corrective services is recognised as a highly scrutinised area of public administration in Queensland.⁷¹ Despite this, when the 2004 BMR of the Department recommended that the Office of the Chief Inspector be created⁷² the Department acted quickly to do so. Subsequently, this office was established after careful consideration of similar models in other jurisdictions. While the Western Australian Inspectorate is a separate statutory body reporting directly to Parliament, it is noteworthy that the Victorian equivalent has been established within the Department of Justice which incorporates the Corrections portfolio.

The independence of the Queensland Office of the Chief Inspector is maintained through the direct reporting relationship with the chief executive of the Department and close operational partnerships with other organisational accountability mechanisms such as the Ethical Standards Branch and Internal Audit.

In addition, there is strong external scrutiny of the Department through Official Visitors, the Parliamentary Ombudsman and the Crime and Misconduct Commission (CMC). Indeed, the present Chief Inspector had a long career as a senior officer at the CMC and its predecessor the Criminal Justice Commission.

It must also be remembered that modern organisational management principles recognise the critical importance of internal, collaborative yet robust, systems by which change and continuous improvement can be achieved.

As recognised in the ADCQ's report, the Chief Inspector does not participate in the management of the Department.⁷³ This eliminates the risk of the Chief Inspector being called on to assess or review practices and policies of the Department which he may have developed and further contributes to his office remaining at arms length from the Department.

The ADCQ report is critical of the notion that full announced Inspections of Correctional Centres are conducted at the direction of the chief executive.⁷⁴ In practice, the chief executive has directed that all correctional facilities be Inspected by the Chief Inspector within two years. The priority of such Inspections

⁷¹ As noted by the 1999 Queensland Corrective Services Review in its report entitled *Corrections in the Balance*, the number of these are "... sufficient, if not excessive" (p. 42).

⁷² BMR Report, p. 78

⁷³ ADCQ Report, p. 128

⁷⁴ ADCQ Report, pp. 128, 129

has been established in consultation with the Chief Inspector but the model is versatile enough to allow a change in priority should circumstances dictate.

The Chief Inspector is satisfied that his office is adequately resourced but given that the office has been established for less than one year, experience may suggest that the current resourcing model needs to be adjusted. It should also be noted that Inspections can and have been supplemented by additional personnel drawn from elsewhere in the Department for the purpose of examining particular issues. Finally, care should be taken when making direct comparisons between the number of personnel in the Queensland office and the Western Australian Inspectorate as that Inspectorate also has responsibility for inspecting juvenile detention centres. The Department would not support a replication of this arrangement in Queensland.

Insofar as reporting is concerned the Chief Inspector will publicly report on his activities.

Independent scrutiny

Recommendation 68 – page 131 of report

That the Human Rights and Equal Opportunity Commission conducts a review into how the justice and prison systems across Australia are dealing with women with mental health issues.

The Department notes the recommendation but observes that it would be a matter for the consideration of the Human Rights and Equal Opportunity Commission (HREOC) as to whether it conducts the suggested review. The Department actively seeks to engage with stakeholders to ensure that its legislation, policies, programs and services meet the rehabilitation needs of offenders. Therefore, it would fully cooperate with any review of women prisoners with mental health issues that may be conducted by HREOC.

PART THREE: CONCLUSION

The Department welcomes this report. As has been stated, the Department acknowledges that the report contributes to general discussion and debate on correctional policies and practices.

Due to the very nature of its work, and the sensitive and difficult issues it deals with on a daily basis, the Department is subject to on going scrutiny from a wide range of government and non government bodies. This public examination of our role is welcomed. We understand that the safe and humane containment of offenders is a critical policy area that should be constantly examined and reviewed.

As outlined earlier, the Department is undergoing a significant change in organisation structure and culture. Many of the issues raised by the ADCQ have also been identified and dealt with by the range of internal review and evaluations completed in the past two years. The recommendations, where appropriate, provide an opportunity to improve the delivery of service in various areas, specifically in relation to women.

There are however two matters that the report is silent on and they relate to staff and the victims of crimes of prisoners. The management and day to day operations of women's prisons in Queensland have been under constant criticism by groups who would prefer to see no women in Queensland prisons.

The 68% of women and 32% of men who work in our women's facilities play in incredible role in protecting prisoners and Queensland communities. The staff are made up of teachers, nurses, doctors, trade instructors, custodial officers and sentence management specialists to name a few. They too have families. They collectively support and lead women prisoners to make changes in their lives so they will be successfully integrated back into the Queensland community. There are numerous incidents where they have prevented prisoners from self harm and suicide. They are sometimes assaulted and abused by prisoners. Mostly they are thanked by those whose lives have been turned around because of their contribution. The staff in our women's prisons deserve acknowledgement. Continued criticism needs to be balanced with commentary on the dedication and professionalism of staff for a job well done.

The impact on the victims of crimes must also be acknowledged. Much has been made in the Report of women prisoners being victims. However, this needs to be balanced against the fact that there are many victims of the crimes that have been committed by women prisoners.

Attachment 1

Number of prisoners:

Table 1 details the average number and percentage of female and male prisoners in the Department's custody during the 2004-05 financial year.

Table 1 – Average number of prisoners (2004-05)

	Number	Percentage of total prison population
Female	358	6.7%
Male	4971	93.3%
Total	5329	100%

Source: Annual Report 2004-05

The percentage of female prisoners on a low/open classification:

As is demonstrated by Table 2, of the number of female prisoners in the Department's custody (as at 30 June 2005), 34.9% were on either a low or open classification. This compared to 26.8% of male prisoners who were on a low or open classification.

Table 2 - Percentage of prisoners on low/open classification

	Total number of prisoners	Number of prisoners on high/medium classifications	Number of prisoners on low/open classifications	Percentage of prisoners on low/open classification
Female	361	235	126	34.9%
Male	4996	3656	1340	26.8%

Source: Annual Report 2004-05

The percentage of low/open custody beds for female prisoners:

As is demonstrated by Table 3, as at 12 December 2005, of the beds allocated to female prisoners, 25.6% were low/open custody beds. This compared to male prisoners that had 17.6% of their beds as low/open custody.

Table 3 - Percentage of low/open custody beds

	Total number of beds*	Number of low/open custody beds	Percentage of beds that are open custody
Female	367	94	25.6%
Male	4654	819	17.6%

*Secure, low/open and community custody

Source: DCS information management system

The percentage of community custody beds for female prisoners:

As is demonstrated by Table 4, as at 12 December 2005, of the beds for female prisoners, 9.3% were community custody beds. This compared to male prisoners that had 1.1% of their beds in community custody.

Table 4 - Percentage of community custody beds

	Total number of beds*	Number of community custody beds	Percentage of community custody beds
Female	367	34	9.3%
Male	4654	51	1.1%

*Secure, open and community custody
Source: DCS information management system

The percentage of residential style beds for female prisoners:

As is demonstrated by Table 5, as at 12 December 2005, of the secure custody beds for female prisoners, 43% were residential style beds. This compared to male prisoners that had 16% of secure custody beds that were residential style.

Table 5 - Percentage of residential style beds

	Total number of secure custody beds	Number of residential style beds in secure custody	Percentage of residential style beds
Female	273	118	43%
Male	3835	615	16%

Source: Custodial Directorate, DCS

Attachment 1 provides information in relation to the residential style accommodation at the Brisbane Womens Correctional Centre.

Vocational education and training:

As is demonstrated by Table 6, 78.2% of all female prisoners were enrolled in VET compared with 52.6% of all male prisoners in 2004-05.

Table 6 – Prisoners enrolled in VET – 2004-05:

	Total number of prisoners	Total number of prisoners enrolled	Percentage of prisoners enrolled
Female	358	280	78.2 %
Male	4971	2613	52.6%

Source: Adult Education, Vocational Education and Training Unit

