

# **Response to the INCorrections Report**

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September 2005

## Department of Corrective Services response summary

The report was based on interviews with 10 anonymous ex-prisoners and submissions from 10 ex-prisoners – who may or may not be the same people – as well as the views of some service providers.

Last financial year the department managed over 8,000 prisoners in secure custody and a daily average of 12,800 community based offenders.

The report contains many old, recycled and unsubstantiated claims about the treatment of prisoners which have already been investigated by the Department of Corrective Services' Ethical Standards Unit, the Ombudsman and the Crime and Misconduct Commission.

The role of the Department of Corrective Services is to provide community safety and crime prevention through a system that delivers humane containment, supervision and interventions for offenders.

The 2005 *Report on Government Services* reports Queensland as having the lowest rates of recidivism in three out of four categories of measurement, and the second lowest in the remaining category.

When compared to other Australian jurisdictions, Queensland achieved:

- the lowest percentage of ex-prisoners returning to prison at 27.7%;
- the lowest percentage of ex-offenders returning to community corrections at 11.2%; and
- the lowest rate of ex-offenders returning to either prison or community corrections at 18%.

That same report shows Queensland also has the second lowest level of prisoner on prisoner assaults, while prisoner on staff assaults in Queensland are at or below the national average.

The Government has spent more than \$495 million on enhancing prison security over the past six years. The current escape rate for Queensland is the lowest in 20 years and there have been no escapes from a secure facility since 1998.

Since DCS started random urinalysis in 2000, the rate of positive drug tests in prison has dropped from 17% to 5.1%.

Prisoners with complaints can go to the Official Visitor, the Ombudsman, the Department of Corrective Services' Chief Inspector, the CMC, and in relation to criminal matters the Queensland Police.

The Department does not tolerate any misconduct by staff and all allegations are referred to the appropriate authority for investigation. Any employee found to be acting contrary to the law is subject to disciplinary action which can include dismissal.

The *INCorrections* report fails to acknowledge that for the most part prisoners have individual rooms, healthy food, access to recreation, employment, education and training. They are provided with health care and receive daily allowances as well as income from any employment they undertake.

Queenslanders expect our prisons to be modern, safe and secure for prisoners and staff, while providing opportunities and programs for prisoners to turn their lives around so they can re-enter society and not threaten community safety.

This Department is determined to continue providing humane containment of prisoners and improving our rehabilitation record.

Community safety will always be our priority.

**The report included 50 recommendations. Following is a selection of responses from the Department of Corrective Services to specific issues raised.**

***Recommendation 1***

***That a large-scale, public inquiry into corrective services be undertaken by an independent person or body, with an emphasis on actual practice rather than the legislation or policy documents.***

Response: An extensive examination of the correctional system was underway when the INCorrections Report was released. It included major reviews of the DCS business model and the Department's overriding legislation, *The Corrective Services Act 2000*. This wide-ranging process provided multiple opportunities for stakeholders to contribute.

In terms of accountability, the corrective services system is subject to overview by a range of bodies including the Crime and Misconduct Commission, Judicial Review, the Supreme Court, the Ombudsman, Official Visitors, the recently appointed and independent Chief Inspector, the police, and the Ethical Standards Unit. Prisoners are also able to request an internal review of some decisions as well as being able to access other internal and external review mechanisms.

Prisoners can also make complaints through the confidential letter system to such agencies as the Anti-Discrimination Commission and the Human Rights and Equal Opportunity Commission.

Examination of prisoner complaint figures to the CMC and the Ombudsman, and subsequent outcomes, shows no evidence of systemic problems in the prison system.

***Recommendation 2***

***That prisoners, and their family members, be viewed by the Department of Corrective Services as stakeholders, and that they be consulted when changes to legislation, policy or practice are proposed.***

Response: Prisoner advocacy groups provide considerable input to Departmental consultations and processes. Further, prisoners' families are considered stakeholders and are free to contribute to Departmental processes, such as the legislation review. There was extensive consultation during the recent review of the *Corrective Services Act 2000*. Stakeholders and the broader community were given six months to submit their views about future corrective services policies.

As part of the review, thirteen consultation papers were released to raise issues and promote discussion.

In addition, Dr Dominic Katter was engaged to run several state-wide consultation sessions for stakeholders.

Altogether 127 people, including prisoners, provided written submissions to the review team. The legislation review website recorded more than 85,000 hits and 27,000 downloads of the consultation papers.

Community feedback provided a valuable source of information for the review and will be used to develop future corrective services legislation.

***Recommendation 3***

***That the Department of Corrective Services endeavor to educate the public with regard to best practice in corrections so that media debates and policy discussions may be evidence-based rather than grounded in ill-informed, emotional rhetoric.***

Response: The Department of Corrective Services already provides a substantial range of factually based media material for both internal and external consumption. These include the DCS website with various educational resources, addresses to community groups by senior members of the corrective services, media releases and the departmental magazine *Corrections News*.

The Department of Corrective Services also promotes its achievements, policies and programs directly to the public via community displays and exhibitions. Access to prisoners by the media is considered on a case by case basis.

Two recent examples of the Department's eagerness to promote informed debate are:

- ABC 4 Corners was given access to a correctional centre to interview staff and offenders about sex offender programs: the only Australian jurisdiction to do so.
- The Courier Mail interviewed staff and prisoners about mothers and children in custody.

#### **Recommendation 4**

***That the Minister for Corrective Services and the Director-General of Corrective Services foster a culture of transparency and openness throughout the Department.***

***This may involve:***

- ***repealing s100 of the Corrective Services Act 2000 (Qld) which prevents members of the community, including researchers, from obtaining statements from prisoners;***
- ***making all statistical information in relation to corrective services available to the public, either online or at their request;***
- ***requiring the QCCB to compile a publicly available annual report;***
- ***making all policy documents (including the ORNI, Ministerial Guidelines and program evaluations) available to the public, either online or at their request; and***
- ***ensuring that independent reviews of the corrective services system are conducted on a regular basis.***

Answer: A culture of transparency and accountability has been implemented. The Department of Corrective Services is subject to a wide range of accountability mechanisms including the courts, investigative bodies and agencies such as the Ombudsman.

Last financial year 950 Freedom of Information requests were processed by the Department, with 110,000 documents released.

#### **Section 100**

In practice, this section does little more than require people not related to a prisoner, to seek authority before interviewing or photographing them. This is to protect victims of crime, to ensure ongoing investigations are not jeopardized, and to protect good order and security at correctional centres.

#### **Statistical information**

Extensive Departmental statistics are available through the DCS annual report, the Ministerial Portfolio Statement and other publications. Certain information will also be provided to approved researchers on request. The Department has a raft of statistical information, it would be impossible to present all of it. In many cases it would also be inappropriate as it may pose a threat to the security and good order of facilities. For example, making public details about contraband found during strip searching might assist prisoners to learn what items are likely to be undetected.

#### **QCCB reports**

The Queensland Community Corrections Boards present an annual report to the Minister which includes comments and statistics. The Department's annual report includes a report on the Boards and relevant statistics. It is difficult to imagine any further information that the Board could report that would not reveal information about individual offenders, which would be highly inappropriate.

Boards use Ministerial Guidelines when considering a prisoner's suitability for community based release. These guidelines explicitly stress that the highest priority to be considered is the safety and protection of the community.

### **Making all policy documents public**

All policy and procedure documents are publicly available on the internet, except for those whose publication would pose a threat to the security and good order of correctional facilities. Existing program evaluation reports are subject to cabinet-in-confidence restrictions.

### **Independent reviews**

There are a number of complaints mechanisms available to prisoners through the Official Visitors network, the Ombudsman, the CMC and the Anti-Discrimination Commissioner. Further, there are internal audit mechanisms. These mechanisms provide a comprehensive system which allows identification of specific or systemic issues. Further, processes such as the Business Model Review and the legislation review ensure that broad ranging examination of the system in its entirety take place at appropriate times.

### **Recommendation 5**

***That the Department of Corrective Services establish three Mothers and Children's Units, one in south-east Queensland, one in central Queensland and one in north Queensland, in which imprisoned mothers may be accommodated with their children. They should be separate facilities, which are family-friendly and staffed by specially trained corrections officers.***

Response: Provided it is in the best interests of the child, the Department allows female offenders to have pre school-aged children reside with them in correctional facilities. Older children are not eligible.

In deciding what is in the best interests of the child, the person in charge of the corrective services facility must consult with the Department of Child Safety and with Aboriginal and Torres Strait Islander representatives if a child is Indigenous.

Special purpose-built units for accommodating mothers and children are available in Brisbane Women's (BWCC) and Townsville Correctional Centres. Women with children are accommodated in the prisons' residential units, which have cooking facilities, safety gates, and cells large enough to accommodate cots.

Additionally, centres provide 24 hour nursing care, a visiting child health nurse, and a child immunisation program. Children are also able to be accommodated with their mothers at Helana Jones Community Custody Centre in Brisbane.

Planning for the new Townsville Women's Correctional Centre includes improved facilities for mothers and children, similar to those currently available at BWCC.

There are currently no female correctional centres in Central Queensland.

BWCC offers a wide range of services for women in custody with their children, including:

- Playgroup, run by the Save the Children Mobile Playscheme - children play with other children and participate in activities comparable in the community.
- The *Happy Healthy Children's Group* -run by a senior child development worker - encourages discussion and activities to help mothers manage their children in a responsible and responsive way.
- The *Sing and Grow Program* - a weekly music program with hands-on activities to help children and mothers develop skills and learn new ways to interact.
- BWCC is currently developing a fourteen session parenting program for offenders covering topics like children's health issues, nutrition and the effects of drugs and violence on babies.

### **Recommendation 6**

***That the definition of 'child' under the Juvenile Justice Act 1992 be extended to include all persons aged less than 18 years, so that no child under 18 years of age is accommodated in a Queensland prison.***

Response: Offenders aged 17 are only sent to adult custody if ordered by the court.

The State Government is currently reviewing the sentencing of 17-year-olds with consideration of deeming them children.

All 17-year-old male prisoners in South-East Queensland are accommodated in the Youth Offenders Unit at Arthur Gorrie Correctional Centre where they are kept segregated from other prisoners.

The Department's Director of Child Safety is responsible for monitoring the accommodation on 17 year olds.

### **Recommendation 9**

***That the range of community-based sentencing options available to judges and magistrates be broadened, ie.***

- ***that the Director-General of Corrective Services utilise his power under s194 of the Corrective Services Act 2000 to extend the definition of community work under a community service order to include attendance at approved programs; and/or***
- ***that the Attorney-General introduce some additional community-based sentencing options by amending the Penalties and Sentences Act 1992.***

***Increased funding to community corrections will be required to facilitate offenders' access to such programs.***

Answer: These issues are primarily the responsibility of the Department of Justice and Attorney-General (JAG). There is already a review of the Penalties and Sentences Act underway and joint discussions between DCS and JAG examined different order types.

For some forms of community service, it is already allowable for persons to undertake programs. However, this will not always be appropriate. Queensland has the best record in Australia for keeping a tight rein on community supervised offenders with only 18 per cent of these offenders returning to corrections within two years of completion of their order. The completion rate for community service and fine option orders was stable 71 per cent.

Qld communities benefited from nearly half a million hours Community Service work last financial year with a value to the community of \$7.4 million. Organisations that benefited include clubs, councils, churches, sporting groups, and the Salvation Army.

Queensland's high standard of supervision of community based offenders has resulted in potential problems being detected before they escalate to compromise community safety.

**Recommendation 10**

***That custodial sentences of six months or less be abolished, and that the Crime and Misconduct Commission be instructed to conduct a review of the effect of this in terms of net-widening after 12 months.***

Response: This is the legislative responsibility of the Attorney-General..

**Recommendation 11**

***That case management and programs be available to all prisoners, regardless of the length of their sentence.***

Response: Ideally an offender will progress from high to low security as they progress through their sentence. They will receive levels of intervention, support and transition planning targeted to their assessed needs at that stage in their sentence.

Each offender needs to be assessed before undertaking a treatment program because risk factors may be increased by receiving the wrong program. Evidence also shows forcing offenders to undergo programs can be counter productive.

There are two sorts of programs: general programs - for all prisoners; and intervention programs - for medium to high risk offenders.

All prisoners, regardless of sentence length, have access to the general range of programs, including: the Transitions Program, Post-Release Employment Assistance Program, and a range of education services.

Prisoners serving more than one year also have access to general offending and substance abuse programs. Case management is also targeted at offenders serving sentences longer than 12 months.

Prisoners serving shorter sentences are generally fast-tracked to open custody and other supervision based options. Research suggests it can be counter-productive for this group of prisoners to participate in intervention programs. It is preferable for them to focus on developing a work ethic through employment and education activities.

An additional \$5.9 million was recently allocated to improve sexual offender programs in prisons and target an extra 300 prisoners.

**Recommendation 12**

***That prisoners' program needs be timetabled in such a way that makes progression to low classification status achievable within the time limits set by the sentencing judge, and that the Department of Corrective Services ensure that all prisoners have sufficient access to programs to enable their treatment needs to be met prior to their PPCBR eligibility date. This may require the recruitment of additional program staff.***

Response: This is already in place and will be further enhanced by the Integrated Offender Management System (IOMS) which is improving sentence planning processes, including those which span into community corrections.

The Department is constantly reviewing and improving programs, often through external evaluation. Recommendations flowing from these evaluations are being used to address specific needs of Indigenous and female offenders.

**Recommendation 13**

***That the ORNI and ORNI-R be independently evaluated to determine whether they:***

- ***are reliable and accurate instruments for measuring risk; and/or***
- ***result in the over-classification of certain prisoner groups including women and Indigenous prisoners.***

Response: The ORNI/ORNIR is not a classification tool but a tool used to identify criminogenic needs and to match programs with those needs. The ORNI-R has been independently evaluated by the University of South Australia and the University of Central Queensland and is reported to have adequate psychometric properties.

Leading correctional jurisdictions around the world have developed similar instruments based on the same principles. It was developed to assess an offender's risk of committing further general offences and to determine what programs the prisoner ought to do to learn new crime-free ways of living.

**Recommendation 14**

***That case management and supervisory functions of correctional officers be split, so that true case management may occur in the context of a trusting and open relationship.***

Response: Custodial corrective services officers do not act as case managers. They contribute to case management by providing information about the offender's day-to-day behaviour and progress. The recommendation is based on an improper understanding of processes.

**Recommendation 16**

***That additional programs which address the special needs of specific prisoner groups be developed in consultation with those prisoner groups, and that:***

- ***programs aimed at Indigenous offenders be developed and delivered by Indigenous people;***
- ***new programs delivered to women prisoners be developed specifically for women with their special needs in mind; and***
- ***new programs aimed at young prisoners be developed by youth workers, incorporating peer support and mentoring.***

Response: Modification of programs should be driven by evidence based research as specialised programs are not always the best approach.

Where there is a sound basis to believe prisoners' programming needs differ, the Department develops programs specific to those needs or modifies existing programs appropriately; intervention programs are tailored accordingly.

For example, Department is:

- developing modules for the Transitions (reintegration) program specifically to meet the needs of female prisoners;
- developing a general criminogenic need program called Making Choices;
- adapting a successful Canadian substance abuse program.

Programs have also been developed to address the needs of Indigenous offenders where cultural practices are incorporated in to the program as mechanisms of change.

\$1.6 million has been allocated to revise or replace existing intervention programs.

**Recommendation 22**

***That recurrent funding be made available to community organisations providing aftercare services to prisoners at a level proportionate to the number of prisoners released each year, and sufficient to ensure that all prisoners who require post-release support may receive it.***

Response: The Department has recently reviewed its service provider program, including post-release services. Many other agencies fund organisations to provide post release services to ex-prisoners. Steps have been taken to try to find out what services are funded by other Government departments. This information will help the Department assess the type of services available and any gaps to be filled in post-release support.

The Department has established links to mainstream services such as health providers, employment assistance, accommodation, and Centrelink to help released prisoners settle into the community.

**Recommendation 23**

***That the Transitional Program be made available to all prisoners and incorporate an opportunity for prisoners to receive one-on-one assistance from community-based aftercare workers to plan for their release, including linkage with and referral to specific services and workers.***

Response: The Transitions Program is available to all prisoners. Links to community-based aftercare service occurs where appropriate and available. Availability depends on organisations being prepared to participate in the Transitions Program and provide information about the organisation and the services it provides.

The Transitions Program involves departmental staff and community agencies working with offenders in assessing and planning for their individual reintegration needs before release. This includes issues such as obtaining accommodation, applying for ID, registering with Centrelink, and identifying relevant community resources.

The community based services involved in the delivery of Transitions have been invited by each correctional centre, and reflect the groups or agencies in the local area. This includes generalist agencies which can be accessed by all community members and specialist groups which focus on the needs of offenders. While offenders are encouraged to use the established agencies to start accessing information and building rapport, they can also contact others.

**Recommendation 24**

***That the telephone numbers of community organisations which provide aftercare, crisis accommodation, counselling, drug treatment and other key social services be made automatically available to all prisoners on the prisoner telephone system, in addition to prisoners' own 10 approved numbers.***

Response: The Prisoner Telephone System is subject to strict management in order to maintain the good order and security of correctional centres. The Department must ensure that calls are not made to inappropriate persons.

To assist an offender's successful transition through his or her sentence, the Dept allows regular phone contact to with family, legal representatives and community agencies.

Calls to other service providers can be facilitated by centre counsellors prior to release as part of the Transitions Program.

**Recommendation 27**

***That the Department of Corrective Services ensure that all prisons have an agreement with Centrelink to organise for prisoners to be able to access their advance payment from their bank account immediately upon release. No prisoner should be released with no money.***

Response: A protocol does exist between the Department and Centrelink which effectively means prisoners can access cash upon release by presenting at a Centrelink office.

The Department has also worked with Centrelink to develop an information pack for Centrelink staff, including FAQs about prisoner release arrangements.

In practice, on release, prisoners are given a bus or train ticket to their home or, in some cases, another place. Prisoners are not released without money. The balance of a prisoner's trust account will be paid to them. If this is a very large amount, it can be part paid by cheque.

**Recommendation 29**

***That a partnership be formed between the Department of Corrective Services and the Department of Housing, and an arrangement be made for all prisons to be visited by Department of Housing staff to assist prisoners to apply for public housing prior to their release from prison.***

Response: The Department is in the process of developing a memorandum of understanding with the Department of Housing for this purpose. The Prisoner's Handbook, which all prisoners receive on induction, advises offenders who want public housing on release that they should apply as early as possible during their sentence. The handbook suggests they follow this up with a counsellor for assistance.

**Recommendation 32**

***That the Department of Corrective Services and individual prisons, in partnership with the Department of Employment and Training, strategically seek out industry partners who are willing to provide training and employment to prisoners while they are incarcerated, and to provide employment opportunities to prisoners upon their release.***

Response: The Department's recent Prison Industries Forum brought together key stakeholders from the government, industry, training and employment sectors to discuss how to build sustainable prison industries and provide skills training and employment opportunities for prisoners.

Prison industries provide prisoners with the opportunity to acquire vocational skills and a work ethic, which will assist them to gain employment upon release. During 05/06 it is expected that 75 per cent of prisoners will be involved in some type of work activity.

The Department is expanding industry activity and increasing integration with relevant vocational education and training.

Following the success of the Post Release Employment Assistance Program, trialed in SEQ and Townsville, the Department will now extend this program to Lotus Glen, Capricornia and Maryborough.

The scheme assists prisoners by providing literacy and numeracy skills, living skills, vocational training, job search and post employment placement support.

About one quarter of the 2000 prisoners who participated during 04/05 gained employment when released. Recidivism rates of 18 percent for participants are well below those of non-participants at 32 percent.

The scheme is funded by the Department of Education and Training and delivered by DCS through its Adult Education Vocational Education and Training Branch.

**Recommendation 34**

***That the Department of Corrective Services, in partnership and consultation with the Department of Employment and Training and Job Network providers:***

- ***launch a campaign educating employers of the benefits to both themselves and society in general of employing ex-prisoners; and***
- ***fund and establish a database of employers who are willing to employ ex-prisoners. Prior to their release, prisoners should be matched with, and able to contact, potential employers to inquire about job opportunities.***

Response: The Post Release Employment Assistance Program (PREAP) is a joint initiative of the Department of Corrective Services and the Department of Employment and Training. PREAP service providers work closely with a broad range of employers and Job Network members to promote the program and secure sustainable employment opportunities for ex-offenders.

Supportive employers are recorded and their details maintained on a database for future reference. PREAP offers a range of pre-release employment assistance activities to offenders including job search and career pathway development.

**Recommendation 39**

***That community organisations that provide services to ex-prisoners in the community be given a legislative entitlement to provide confidential counselling services to prisoners while they are in custody. They should receive additional recurrent funding to this end.***

Response: As a matter of policy - to ensure security and good order within a prison - no community agency has unsolicited and unstructured access to prisoners. However the Department does endeavor to cooperate with agencies requesting access to prisoners.

However the provision of professional services to prisoners in custody must be subject to accreditation. Further, it is essential for the security of visitors and the wellbeing of prisoners that all information is shared with the Department, particularly where it affects a prisoner's mental or emotional state.

Confidential counselling services by external providers also raise duty of care issues.

A number of not-for-profit organizations receive funding to provide services to prisoners and their families. These services are outside the core business of the DCS.

There are four areas of service funded:

- Chaplaincy
- Family transport for visits
- Indigenous Elders visits
- Post prison services

Funding to these agencies, about \$800,000 in 04/05, was recently increased by 20 per cent.

**Recommendation 40**

***That, as a matter of urgency, the use of observation cells be independently reviewed, and that, in the interim, the Minister release clear procedures regarding the use of observation cells in prisons. The procedures should, inter alia, clearly state that mere crying in the absence of other suicidal or self-harming behaviour is not sufficient to warrant confinement in an observation cell.*** Answer: The use of observation cells is an important component in the safety and well being of prisoners. The Department takes seriously its responsibility in this regard in light of the 1991 Royal Commission into Aboriginal Deaths in Custody recommendations.

There are already clear procedures for the use of observation cells. If specific concerns about the overuse or inappropriate use of observation cells emerge, they will be investigated on a case-by-case basis.

**Recommendation 41**

***That the use of strip searches in Queensland's prisons (including the alleged strip searching of children) be reviewed by an independent external reviewer.***

Response: Strip searches are recognised across all correctional jurisdictions as a necessary component of prison management. They prevent the introduction of contraband and implements for self-harm and harm to others.

A detailed legislative and procedural framework exists to regulate the practice of strip searching, thereby ensuring accountability. The recent review of the *Corrective Services Act 2000* included a discussion paper specifically addressing 'searches'.

Considerable attention is given to the practice of strip searching in custodial officer training. The Department's strip searching procedures are best practice in terms of providing for the dignity of all prisoners subject to the search.

**Recommendation 42**

***That prisoners who suffer from drug addiction be given access to comprehensive drug treatment, including detoxification, stabilisation and relapse prevention, in a designated unit which houses only prisoners receiving such treatment. The length of the prisoner's sentence should not prevent them from accessing treatment.***

Response: The Department provides a number of programs and treatments to help offenders address their drug dependency, to help with safe withdrawal from dependency, and to support the maintenance of their drug free status.

Detoxification for withdrawal from opiates, alcohol and benzodiazepines is available in all centres and is guided by protocols consistent with best practice community outpatient detoxification.

The Queensland Government has also committed \$10.5 million to extend the Drug Court Program to the end of 2006 - helping to break the cycle of crime and delivering real social benefits to the community.

**Recommendation 45**

***That service agreements with appropriate community organisations be established to provide throughcare drug treatment to prisoners, including a significant period of aftercare after the prisoners' release.***

Response: The Department recognises the importance of effective throughcare and aftercare in the treatment and support of offenders with substance dependencies. It will continue to develop collaborative partnerships with appropriate community agencies to provide effective aftercare following an offender's release from custody.

It must be recognised that this will require a multi-agency approach since delivery in the wider community is not a Department of Corrective Services responsibility.

Referral to community service providers will also require high levels of offender commitment and motivation - if they are to remain in treatment following release from custody.

**Recommendation 46**

***That a best practice approach be taken to blood borne disease control in prisons by, for example:***

- ***providing needle exchange facilities in all prisons; and***
- ***providing prisoners with condoms.***

Response: Given the illegality of drug taking, and associated risks to health and safety, the Department will not condone the use of needle exchange programs in prisons.

The Department will not back away from its zero tolerance approach to illegal drugs or allow prisoners to use syringes - potential weapons - or mood altering substances that can make prisoners more difficult to manage.

The Department will provide safe correctional environments where drug related incidents are minimized so offenders reintegrating into the community are free from addiction.

The Department's zero tolerance approach is further backed-up by a range of other safeguards including; searches, drug detection dogs, regular urinalysis, IONS electronic detection devices, phone call monitoring, and mail interception.

**Recommendation 47**

***That Aboriginal elders be encouraged to visit Indigenous prisoners by providing them with reasonable remuneration and/or reimbursing their related expenses.***

Answer: Through its implementation of the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody, the Department engages a number of Elders Groups and provides financial support to them in two ways:

- Direct reimbursement of out-of-pocket expenses by a number of centres; and
- Under contract, by way of grants and tender processes.

When, on occasion, a specific Elders' group does not meet administrative deadlines it may fail to secure funding for that period. Unfortunately this leads to services being curtailed in their area. The ability of Indigenous community groups to adequately meet community and government needs will fluctuate.

**Recommendation 49**

***That the importance of family members in facilitating a prisoner's rehabilitation and reintegration into the community be formally recognised by the Department of Corrective Services by:***

- ***making visits available to prisoners as of right, rather than as a privilege, and ensuring that restricting visits as a means of discipline does not occur;***
- ***making visiting areas more family-friendly, keeping in mind the importance of making prisoners' children feel comfortable, and the need for visits to be as intimate and private as possible;***
- ***providing family members with information regarding the well-being of their loved one in prison on request (this should be the responsibility of prisoners' case managers);***
- ***including family members in sentence and program planning for prisoners if the prisoner consents, in recognition of the fact that family members are well-placed to judge what will enable a prisoner to be rehabilitated and reintegrated into the community; and***
- ***contacting family members as a matter of course to inform them of their loved one's release date and time.***

Response: Prisoners are entitled to one non-contact personal visit per week under the Act. This visit cannot be denied for disciplinary reasons.

Visits areas generally have play areas set aside for children. It is impossible for visits to be private because of the need to maintain good order and security of facilities.

The provision of information to a prisoner's family members may be in breach of privacy requirements. Prisoners are able to communicate by telephone and letter to convey details to their family members.

In many cases it will not be appropriate for family members to be involved in the prisoner's case management. There have been some occasions where it is appropriate, and family members have been invited to contribute and participate in sentence management reviews. Prisoners are encouraged to incorporate family members and other relevant persons into release plans.

Prisoners are advised a minimum of 21 days prior to their full time release date whether early discharge has been granted, or consideration is being given to not granting early discharge. Prisoners are given copies of their sentence calculation and can provide family members with copies of that document.

It is not appropriate that the Department release this information to family members as some prisoners do not want their family to know this information.