

## LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

### WRITTEN QUESTION

Mr Westra van Holthe to Minister for Correctional Services

#### Drug Testing in Prisons

- 1. What drug testing regimes are in place for prisoners serving custodial sentences within correctional facilities in the Northern Territory?**

In accordance with current procedures Darwin Correctional Centre (DCC) and Alice Springs Correctional Centre (ASCC) each test a random 5% of their respective populations each month. Target testing is also carried out on prisoners based on intelligence information. Urinalysis sampling is sent to pathology for testing and a report sent to the centres advising of the test results.

Northern Territory Correctional Services (NTCS) has six Passive Alert Detection Dogs - three in DCC and three in ASCC - which assist in drug detection on prisoners. A positive indication by the dog results in the prisoner being searched and/or tested for illegal substances.

- 2. Please provide a breakdown for the number of prisoners that have returned a positive test for the use of illicit drugs in the previous 12 months to November 30 2011 on a month by month basis according to correctional facility and substance.**

Darwin Correctional Centre		Alice Springs Correctional Centre	
November 2011	1 (cannabis)	November 2011	5 (cannabis)
October 2011	6 (cannabis)	October 2011	4 (cannabis)
September 2011	2 (cannabis)	September 2011	0
August 2011	2 (cannabis)	August 2011	2 (cannabis)
July 2011	1 (morphine)	July 2011	1 (cannabis)
June 2011	0	June 2011	4 (cannabis)
May 2011	3 (cannabis)	May 2011	0
April 2011	5 (cannabis)	April 2011	1 (cannabis)
March 2011	0	March 2011	1 (cannabis)
February 2011	0	February 2011	1 (cannabis)
January 2011	1 (cannabis)	January 2011	1 (cannabis)
December 2010	0	December 2010	0
November 2010	1 (cannabis)	November 2010	2 (cannabis)

**3. Please provide a breakdown of the number of prisoners that have returned one positive test, two positive tests, 3 positive tests, 4 positive tests and 5 or more positive tests.**

No prisoner, during this time period, has been charged with this offence on more than one occasion in either DCC or ASCC.

**4. What disciplinary measures are applied to prisoners that return a positive test for the use of illicit drugs while serving a custodial sentence?**

Pursuant to the Prison (Correctional Services) Regulations prisoners may be subjected to internal prison misconduct charges. The prisoner will be charged with the following offence and penalties that apply:

- 3.1(s) Misuse of medication or is found to have present any drugs or alcohol
- The prisoner can receive a penalty of up to 28 days Loss of Prescribed Privileges (LOPs) and up to seven days separate confinement

Under the Sentencing Management Manual section 5.0.10, prisoners that return a positive test for illicit substances will receive an Identified Drug User (IDU) status. This results in a restriction on revision of classification status for a period of 12 months. A prisoner on an IDU status will not be classified any lower than a Medium rating. Once the prisoner has been removed from an IDU status his or her classification may be reviewed. In addition to the penalties applied to a prisoner who has tested positive to an illegal substance, the imposition of an IDU status is of more importance and has a far greater impact on a prisoner's progression through the system.

**5. Please provide a breakdown for the number of penalties that have been applied in the previous 12 months to November 30 2011.**

Darwin Correctional Centre

- 2 prisoners received 28 days LOPs and 7 days Separate Confinement
- 1 prisoner received 20 days LOPs and 4 days Separate Confinement
- 17 prisoners received 28 days LOPs
- 2 prisoners received a caution.

Alice Springs Correctional Centre

- 10 prisoners received 28 days LOPs and 7 days Separate Confinement
- 3 prisoners discharged prior to Prison Misconduct Hearings
- 1 prisoner no breach action commenced
- 8 prisoners received no penalty due to results/testing within 28 days of admission, thus are not in breach of the Prison (Correctional Services) Regulations

NTCS guidelines state that when a prisoner has been in custody for less than 70 days and returns a positive first test for cannabis, the result will not be dealt with as a breach of discipline.

NTCS guidelines state that when a prisoner has been in custody for less than 14 days and returns a positive first test for other illicit substances, the result will not be dealt with as a breach of discipline.

If, upon further testing, the level of the illicit substance is the same or of a higher concentration, disciplinary procedures will be initiated

- 6. Please provide a breakdown of the number of prisoners that have been subject to penalties for the use of illicit drugs while serving a custodial and how many prisoners have been subject to 1,2,3,4 and 5 or more penalties.**

Please refer to question 3 and 5.