Estimates Committee 2008 Questions Taken On Notice

(17/6/2008 to 20/6/2008)

Date: 18/06/2008 Output: Correctional Services

Sub Output: Custodial Services

Subject: Ombudsman's Recommendations - Action by Department

From: Mr Gerry Wood MLA to Dr Chris Burns MLA

5-15

Question: Minister, would you be able to provide a list of recommendations accepted

so far by your Department in relation to the Ombudsman's report 'Women

in Prison'?

Answer:

Answered On: 23/06/2008

ESTIMATES COMMITTEE

Questions on Notice 5.15

Minister, would you be able to provide a list of the recommendations accepted so far by your department in relation to the Ombudsman's report headed "Women in Prison"?

Position as of June 2008

REC#	Recommendation	DOJ Comment	Status
1	That NTCS supply this office with a draft copy of the new women's policy within six months of the release of this report.	A draft copy of the new Women's policy developed. Circulating for comment	Accepted Completed
2	That in light of the generally shorter sentences served by women, DCC develop a specific assessment process for women prisoners which allows for a full case plan at the 3 month rather than the 6 month point.		Accepted
3	That with the roll-out of IOMS assessment tools, the shorter sentence length of women be taken into account in formulating assessment procedures.	l I J	Accepted
4	That the DCC Superintendent's undertaking to develop and implement a new induction process for women prisoners (with a view to making it more practical, comprehensive and targeted) be completed within 6 months of the release of this report.	developed and implemented.	Accepted
5	That the new induction process include the production of a prisoner handbook (in audio as well as hard copy format) specific to women at DCC in consultation with women prisoners. Women prisoners should be invited to write or audio-record some sections themselves, and be provided with the facilities to do so.	A prisoner handbook completed. Audio version (and possibly visual version) will not be completed within expected time frame. Presently exploring options for undertaking this task.	Accepted Handbook Completed

6	That the new process and handbook be reviewed in consultation with women prisoners after a 6 month period to ensure that it is meeting its aims.		Accepted Completed
7	That the Prisoner Rehabilitation Team develop a core number of programs specific to women based on the available research about best practice in women's programming and in consultation with currently serving women prisoners. That these core programs include:		Accepted
	a) Alcohol rehabilitationb) Family violence and abusec) Children and parenting		
8	That the Prisoner Rehabilitation Team develop a delivery schedule for programs in J block for the forthcoming year.	Schedule for programs developed for both male and female prisoners.	Accepted Complete
9	That NTCS adopt a service charter for female prisoners at DCC which ensures access to these core programs on a regular schedule regardless of class size, in order that each prisoner serving a sentence or on remand for three months or more will have access to a suitable program. The core programs need not be delivered by the Prisoner Rehabilitation Team directly but could be delivered by other appropriate organisations outside the prison or in a joint partnership arrangement.	external providers being able to assist with delivery of programs, also required is secure external funding. The Charter to be included in Women's Policy.	Accepted
10	That NTCS appoint a project officer to actively negotiate with community organisations and other services outside the prison with a view to involving them in the delivery of rehabilitation programs (both core and non-core) to women to the greatest extent possible. The access of these organisations to the	Considered that this activity is the responsibility of the Manager Prisoner Services.	Accepted

	prison should be encouraged and facilitated, including by fee- for-service arrangements where appropriate.		
11	That the NT Government make the necessary funds available to NTCS to action these recommendations without removing funds from men's programming.	Department funded for prisoner programs as per determined need.	Accepted
12	That NTCS review its educational provision for women prisoners and develop short, medium and long term plans in consultation with women prisoners to enhance the variety of courses available to women at both DCC and ASCC.	Provision of education is guided by the Registered Training Organisation (RTO) which limits the scope of any additional education programs. The DCC Education Unit Liaises with external providers to develop and provide courses that meet the needs of female prisoners.	Accepted
13	That NTCS develop educational courses specific to the needs of women prisoners, including conducting an examination of the feasibility and delivery options of each of the following courses suggested by J block prisoners:	NTCS unable to address all subjects listed due to resource limitations however many have been addressed including Deckhands (course currently underway for women), life skills, cooking etc. Comprehensive list available if required. A review of prisoner education is currently underway and is to be completed within 6 months. New Education facility proposed for J Block as part of J Block upgrade.	Accepted
14	That the Education Unit ensure that appropriate support is provided to prisoners undertaking external studies including liaison with the educational institution, sending assignments, receiving results, conducting examinations, obtaining required study materials, photocopying, downloading documents, supply of writing materials, and general advice and support.		Accepted

15	That reasonable access to computers (and where required, internet) be provided to prisoners undertaking external courses.	Computer access in both sections of J Block available. Internet not an option.	Accepted No Internet Access
16	That the DCC Education Unit consult with women prisoners to develop a formalised peer tutoring network supported by qualified staff, to supplement but in no way replace the provision of formal education for the block.	Peer tutoring supported on an 'as needs basis'.	Accepted
17	That NTCS decide as a matter of policy that a similar range of employment options, including full time work, will be available to female prisoners as for male prisoners on similar classifications.	Supported where appropriate. Female Community Work Party to be operational in 2008/09.	Accepted
18	That NTCS allow and encourage women to become involved in prison industries work alongside men, and put in place the appropriate procedures to facilitate this	The intention of integrating both men and women prisoners together is not fully supported as security requirements will restrict the mixing of males and females in certain areas of the correctional centre. To be considered in planning for the new correctional centre in the Capital Works Planning Project.	Accepted With proviso that there will be security issues which will preclude the mixing of female and male prisoners.
19	That NTCS develop and implement a plan in consultation with women prisoners to bring its employment opportunities into line with the relevant standards. That this plan include: a) Undertaking an analysis of the skills in demand in women prisoners' home towns and communities in consultation with women prisoners, community councils, land councils, Federal and Territory government departments, industry and other stakeholders. The analysis should include consideration of different types of criminal convictions and the limits they place on employment options.	This activity will be the responsibility of the Manager Prisoner Services.	Accepted

- b) Developing new work opportunities in prison to match this analysis as closely as possible
- c) Emphasising employment linked to vocational education which can lead to formal accreditation
- d) Expanding access to the Community Support Program for women prisoners at DCC including on a full time basis, and instituting access in the case of women at ASCC
- e) Exploring opportunities for meaningful volunteer work on the block by developing partnerships with community service organisations and government departments
- f) Linking employment to existing education options. For example, enhancing the employment outcomes of the existing art program by adding an additional unit focussed on training in relevant aspects of the art industry and involving work experience for example in co-managing prisoner art exhibitions in the community
- g) Developing the capacity of J block facilities to enable some meal preparation for J block prisoners to occur in J block, offering skilled jobs to women prisoners. In the longer term this should be linked to formal training and accreditation.

20	That in the interim period before J block capital works to expand programs space and facilities, DCC work to maximise access to programs and education facilities in the men's section to women.	Funding approved to expand facilities to J Block. There is scope for females access to the men's sections although this is subject to security requirements.	Accepted
21	That DCC implement a strategy that will enable it to expand out-of-cell hours to the women's block in order to bring it into line with the national average of around ten hours per day by mid 2008.	Being addressed under the proposed staffing models – expected introduction of 12 hour shifts by July 2008	Accepted
22	That DCC continue to monitor staffing levels to ensure that unscheduled lockdowns are kept to a minimum and do not again reach 2005 levels	Lockdowns are kept to a minimum	Accepted
23	That DCC take appropriate measures to ensure that in future, women prisoners are not disproportionately targeted for lockdown	Female section is not targeted in any way.	Accepted
24	That NTCS develop a directive on the issue of women prisoner's access to men's courses. This directive should: a) Ensure that women of equivalent security status are able to take part in courses offered to men except where women's participation is clearly inappropriate to the nature of the program (ie some therapeutic programs). b) Outline the appropriate supervision and other procedures to minimise potential risks to women prisoners c) Put in place measures and supports to ensure that the individual woman prisoner understands that she has the right to choose not to participate in a course alongside men or to discontinue a course if she does not feel comfortable, and will not be penalised for doing so	Security concerns result in some restrictions on mixing men and women. Mixing of genders is supported where it can be demonstrated that security requirements can be met. Gender mixing also enables cultural issues in certain circumstances. Joint programs have been facilitated in the area of Life Skills (2 programs) and Wildlife Rescue. Future programs/activities that do not compromise security or the wellbeing of participants will be supported. Directive not required however subject to be included in Women's Policy.	Accepted Subject to security restrictions

	d) Specify that access to men's courses is not considered an alternative to delivering courses specifically designed for and delivered to women		
25	That the directive be accompanied by in-service training for prison officers and other relevant staff.	Superintendent to initiate action to ensure Staff aware of above	Accepted
26	That women prisoners be clearly advised of, assessed for, and invited to participate in courses alongside men in an ongoing way, and that access to these courses be encouraged and facilitated in a genuine and practical manner.	As per response to recommendation 24.	Accepted Where appropriate
27	That Superintendent Raby's undertaking to review and formally articulate the policy regarding opposite gender escorts be supported and actioned within six months of the release of this report.	Directive under review.	Accepted
28	That the new policy be clearly explained to prison officers and other relevant staff by way of in-service training to ensure that it is correctly implemented in future.		Accepted
29	That NTCS continue in its project to develop and implement a suitable model for gradual release for NT prisoners.	A pre release policy for both male and female offenders is currently being developed.	Accepted
30	That NTCS review the classification system for women prisoners and develop specific measures to facilitate women prisoners moving to D classifications, or develop a specific classification processes for women, in order to facilitate their access to programs, education and work in the community.	Classification review for all prisoners, men and women, completed and implemented February 2008	Accepted
31	That NTCS develop and implement a comprehensive individual case management model for the Territory over the next five years, including the development of policy and procedures, staff and training, and appropriate facilities. That the model	NTCS to develop and implement a comprehensive individual case management model for the Territory over the next five years.	Accepted

	fully recognise the specific situation of women prisoners, their generally greater need for welfare services and their shorter		
32	sentences. That NTCS implement Recommendation 43 of the CAYA Review of Adult Custodial Services by providing case management staff on the ratio of one case management officer per 35 to 50 inmates.	Commitment has already been made to implementing the CAYA recommendations as competing priorities, including the CAYA recommendations, allow – 1:50	Accepted To be review after implementation of IOMS
33	That in light of this investigation, the Department of Justice review the fifteen recommendations of the NT Legal Aid Commission's 2006 paper <i>Managing Prisoner Growth in the NT</i> and furnish a report to the Ombudsman within six months setting out its response to the recommendations.	Consideration as part of short/medium term planning and Capital Works Master Plan project.	Not Accepted
34	That the Department of Justice Annual Report in future specify in its standard Custodial Services Performance Reporting the precise figure for female prisoners' "Participation in prison programs" in addition to the existing figure covering all prisoners.	NTCS recognises the on going requirement of reporting especially with regards to the more detailed information for women prisoners. Enhanced reporting will require additional resources, partly provided by IOM's and Data-Warehouse improvement.	Under Consideration
35	That the Department of Justice Annual Report contain a standing section specific to female prisoners which includes: a) which treatment intervention programs were delivered to female prisoners over the last financial year. b) which educational courses were delivered to female prisoners over the last financial year c) what types of employment were held by female prisoners over the last financial year	Information could be included in the annual NTCS Statistical Summary. Explore reporting capabilities.	Under Consideration

36	That women prisoners be immediately informed of the August 2006 decision to allow them to attend the men's Pre-Release Program, and that in the absence of any other pre-release program, their attendance at the men's program prior to their release be encouraged and facilitated.	Women prisoners immediately informed of the August 2006 decision to allow them to attend the men's pre release program. However, generally speaking, women prisoners prefer the individual pre release program which is offered.	Accepted
37	That until women prisoners at DCC receive access to a comparable Pre-Release Program to that currently offered to men, Directive 2.15.4 be immediately amended in order to avoid the anomaly that a female prisoner's entitlements to visits are affected by a professional visit from an agency providing pre-release information.	The amendment has been completed	Accepted
38	That the NT Government actively support and facilitate the development of post-release housing options for women prisoners and their children such as halfway housing, bail hostels and accommodation on the OARS NT farm.		Options to be considered and costed.
39	That the Department of Justice liaise with Territory Housing regarding changes to Territory Housing policy which would allow prisoners on short sentences to hold onto their housing during their incarceration.	housing policy which will allow prisoners on short	Accepted
40	That the NT Government fund a community-based women's re-entry service, including the employment of a full time case management officer based in Darwin, to provide support, information, referral and advocacy for women prisoners. Consideration should be given to employing a female ex-prisoner for this position. The service should be operational within 18 months of the release of this report. I suggest that the service be hosted by OARS NT, Dawn House or other relevant organisation. Its functions would	To be considered by Government	Options to be considered and costed.

include: Working with women during incarceration to develop an individualised post-release plan linking the prisoner to appropriate services, including accommodation Providing a contact point for prisoners, prison officers and other staff for concerns relating to pre and post release issues of women prisoners Arranging for visits to the prison by Territory Housing, the Anglicare Financial Counsellor and other agencies as appropriate to the needs of the particular women approaching release from time to time Linking with families, Elders and communities to which women prisoners will be returning Assisting prisoners to deal with issues relating to children and custody Developing resources such as the Release Kit produced by Sisters Inside Working closely with OARS NT to involve women in the services it provides, such as the carpentry workshop, art workshop and art gallery, and/or developing other services specific to women Working with OARS NT, the NT Government and other relevant organisations to develop suitable housing

options for women prisoners post release

	i) Advocating for the needs of women prisoners pre and post release		
41	That in addition to this service, women continue to receive full access to the men's Pre-Release Program should they wish to attend.	Completed as per Recommendation 36	Accepted
42	That the NT Government fund OARS NT to employ a full time community-based re-entry support officer based in Alice Springs, to service both male and female prisoners. The exact functions of the position should be developed in consultation with OARS NT, ASCC, Prisoners' Aid, Prisoners' Fellowship, and other stakeholders.	To be considered by Government	Options to be considered and costed.
43	That FMH and the Disability Team ensure that their clients are provided with a continuum of care from prison through to post-release support in the community, including medical and psychiatric throughcare, linkage with external support services, assistance with living skills and housing, and other practical and social support.	To be considered by DHCS	Not Applicable DHCS
44	That the Department of Justice review the situation of weekend release of prisoners in consultation with OARS NT and consider whether a change in sentencing practice is warranted. If so, the Department should consult with the Director of Public Prosecutions to explain the effect of weekend release and consider developing a protocol with prosecuting personnel that a weekday release date be sought from the court wherever possible.	A change in sentencing practice is not required. NTCS will review the application of an existing discretion (held by the Executive Director) with appropriate stakeholders	Accepted
45	That NTCS Directive 2.4.2 be reviewed for its impact on prisoners with mental illness, intellectual disability or acquired brain injury. That changes include: a) Setting out the principle that separate	Directive under review	Accepted

confinement is generally damaging for mental health and should be avoided wherever possible Setting out the principle that separate confinement may be particularly distressing for Indigenous prisoners Setting out the principle that the separate confinement of women in a men's block may be particularly distressing Setting out the principle that separate confinement for extended periods (greater than 21 days) should be avoided at all costs. Requiring officers to demonstrate that the decision to separately confine a prisoner is a last resort and that all other alternatives are not feasible or appropriate Defining minimum out of cell hours for those in confinement and the conditions for the out of cell hours (including adequate space to allow exercise in the open air) Requiring daily medical and/or FMH monitoring of those in confinement Requiring daily visits by the Welfare Officer and/or Indigenous Support Worker of those in confinement Amending Appendix A ("Management Regime for Separate Confinement") to specify that the prisoner may receive visits in accordance with the entitlements of

	maximum security prisoners, and that the decision to provide a contact or non-contact visit should be made on a case-by-case basis. Where the visit involves children, the presumption should be to allow a contact visit.		
	j) In the section relating to "Disruptive Prisoners": Clearly distinguishing between behaviours intended to disrupt and those disruptive behaviours which stem from mental illness, intellectual disability or acquired brain injury. In the latter case, the underlying principle should be that a health intervention is the priority, and that consultation with FMH or disability support officers is mandatory.		
46	That the management cell of J block be renovated or shifted to allow access to a larger open-air area. That in the interim, prisoners confined to the management cell receive at least one hour per day in the open grounds of J block under supervision.	2 existing cells converted to management cells. This will mostly negate the need for females to be accommodated in the men's prison.	Accepted
47	That NTCS and DHCS establish a clear policy position that patients who have been found unfit to stand trial or not guilty on grounds of mental impairment should be housed in a hospital setting rather than prison.	facilities for mentally ill inmates.	Accepted
48	That the Departments move to develop an appropriate long term forensic facility outside the prison and under health management, and in compliance with the national and international standards, to be operational within five years of the release of this report.	facilities for mentally ill inmates.	Accepted
49	That NTCS ensure that female prisoners are fully informed of their right to request individual counselling sessions, and the process for making such requests, through the formal induction and prisoner handbook.	Women prisoners are fully informed of their right to request individual counselling sessions and the process for making such requests, through the formal induction and the	Accepted

		prisoner handbook.	
50	That in conjunction with the new recording regime for counselling sessions at DCC, the prisoner Rehabilitation Team track the requests or referrals received for individual counselling sessions from female prisoners, and the waiting times between requests and delivery of the service, to ensure that waiting times are within the two week range suggested by NTCS.	All requests dealt with within 2 working days.	Accepted Completed
51	That DHCS and NTCS furnish a joint report to the Ombudsman within one year of the release of this report which sets out the following: a) The extent to which the new screening tool is operational b) Early indications as to the level of mental health and disability needs among women prisoners at ASCC and DCC c) The types and levels of services that have been delivered to women prisoners by the new disability support officers at each prison. d) The level of contact between the new Top End FMH Indigenous consultant and Indigenous women prisoners at DCC. e) The proportion of prison officers having completed the three new training modules on mental health, intellectual disability and acquired brain injury	This recommendation is supported by both DHCS and DOJ	Accepted

	f) The progress in establishing an on-site FMH presence at DCC and the impact on service provision g) The progress in developing the proposed secure mental health units h) The progress in establishing a long term forensic facility for the NT Other progress in mental health and disability care for women		
	prisoners, including future strategies and long term plans for expanding services		
52	That the Department of Justice, in consultation with DHCS, research and develop options for greater front-end diversion of offenders with mental illness, intellectual disability and acquired brain injury from the criminal justice system.	The recommendation is supported by both DHCS and DOJ	Accepted
53	As recommended in 2006 by the Anti-Discrimination Commission Queensland and the Senate Select Committee on Mental Health, that the Human Rights and Equal Opportunity Commission conduct a national review of the treatment of women with mental health problems within the criminal justice and prison systems.		Noted
54	That section 3.4 of the NTCS Directive 2.8.3 'At Risk' Procedures Manual in relation to court-ordered At Risk status ("Management of Prisoners Flagged At Risk prior to Reception") be immediately amended to require: a) Notification of Forensic Mental Health by the primary health provider as soon as practicable b) Assessment of the prisoner within two hours by	Directive under review.	Accepted

	the primary health provider and as soon as practicable or within 24 hours by Forensic Mental Health c) Cessation of At Risk status as per the normal procedure at section 9 d) Adequate medical and mental health follow-up		
55	That the At Risk Procedures Manual be immediately amended to stipulate that in relation to prisoners identified as At Risk of self harm or suicide: i) Isolation in an observation cell occur only as a last resort, and only when the prisoner is a risk to other prisoners or staff ii) That observation occur by way of supportive human contact iii) That in the immediate aftermath of a self harm incident or suicide attempt, in addition to the procedures currently in place regarding assessment by the primary health provider and FMH, the following occur: i. That urgent crisis counselling be arranged through the Prisoner Rehabilitation team, Forensic Mental Health, or an external provider i. That the prisoner be visited by the Welfare Officer or Indigenous Support Worker i. That prison staff facilitate contact with family members and other support people nominated by the prisoner	Directive under review.	Accepted

56	That NTCS Directive 2.2.3 (Use of Restraints) be immediately amended to include the following procedures in relation to the use of the cell B6 restraint:	Directive under review.	Accepted
	a) That the procedures applying to "restraint belts, hobbles or body chains" apply to the use of the cell B6 restraint in addition to the following provisions		
	b) That the restraint be used as a last resort only in order to protect a prisoner from harm to self		
	c) That the use of the restraint be accompanied by constant direct supervision		
	d) That a mattress always be used		
	e) That a maximum duration for the application of the restraint be specified, in the order of two hours.		
	f) That a detailed report be furnished to the Superintendent by the senior officer containing: i. a detailed statement of the reasons for use and thus the reasons for not using some alternative		
	i. the time at which the prisoner was first restrained		
	i. the names of the officers who were involved in the cell extraction or other event immediately preceding his being put under restraint		
	/. a notation of the prisoner's physical and mental condition once under restraint and /. a statement that the Visiting Medical		

	g) That the Visiting Medical Officer note the time of his/her arrival, observations made of the prisoner, any action taken or recommended, and the time scheduled for the next visit h) That if available, the Welfare Officer or Indigenous Support Worker should attend i) The Superintendent should attend at or immediately after the time that the prisoner is released back into his/her cell, interview him/her and note and sign off any complaints made by the prisoner.		
57	That the use of the cell B6 restraint be phased out over a three year period from the release of this report, in conjunction with the development of a holistic suicide prevention strategy.	To be phased out over a 3 year period from release of this report. Options to replace this restraint are being investigated.	Accepted
58	That NTCS in conjunction with DHCS research and develop a multi-disciplinary suicide and self harm prevention strategy for DCC and ASCC based on best practice, which emphasises the development and strengthening of protective factors and supportive relationships and case management of vulnerable prisoners and avoids the use of isolation and passive observation. That adequate training, programs, procedures and facilities be put in place to facilitate the strategy, including alignment with IOMS. That the strategy be in place within two years of the release of this report.	DHCS and DOJ both working together to implement a strategy for suicide prevention.	Accepted
59	That DCC consult with women prisoners to consider options for the formal involvement of prisoners in suicide and self-harm	Appropriate program has been identified - program	Accepted

	prevention including the development of a peer listener scheme whereby prisoners are carefully selected, trained, paid and supported to identify and assist others experiencing distress.	consists of 5 days training plus weekly support	
60	That DCC develop a five year capital works plan for the upgrade of J block based on best practice design for women's prisons and in consultation with women prisoners, particularly the enhancement of facilities for programs, education, sport, recreation and kitchen facilities (Low Security Area).	Funding has been approved to expand facilities in the short term within J Block. However the long term female facilities will be included in the Capital Works Master Plan.	Accepted
61	That DCC, in consultation with women prisoners, implement Recommendation 48 of the CAYA Review of Adult Custodial Services in relation to J block within two years of the release of this report. That this include: a) Enhancing visits facilities by constructing additional shade and rain cover b) Developing appropriate visits facilities for children including an enclosed play area and playground equipment c) Expanding visiting times, especially for children d) Reviewing the telephone program to see if it can be enhanced and/or costs reduced e) Developing extended stay family visiting units f) Holding more family days involving barbecues and activities	Funding has been approved to expand facilities in the short term within J Block; which will provide for some improvements to the visiting area.	Accepted

	g) Greatly improving facilities and support for young children to be housed with their incarcerated mother h) Making visits and family contact a programs responsibility		
62	That rather than expanding female prison capacity, the Department of Justice develop a comprehensive strategy for the establishment of further alternative sentencing and remand options for women around the Territory.	To be considered by Government	Noted
63	That NTCS consider the creation of a new senior position in DCC or the alteration of an existing job description to oversee management and services to women prisoners.	Creation of new senior position in DCC or alteration of existing job description to oversee management and services to women's prison. Funding would be in addition to existing resources and subject to competing priorities.	Accepted
64	That a prisoner committee or representative structure be established in J block within six months of the release of this report to serve the following functions: a) providing a conduit for information from prisoners to management and vice versa b) providing a forum for management to consult with prisoners c) hearing prisoner concerns, advocating for individual prisoners and providing a unified voice to management d) resolving/mediating disputes between inmates	Prisoner Committee process in place with meetings held monthly.	Accepted Completed
65	That the representatives be supported in their work including	Deputy Superintendent chairs meeting – Supt attends on	

	receiving basic training, reasonable access to information, to areas of the block, and to stationery, and receive a meeting with the Superintendent once per month.	an ad hoc basis.	Accepted Completed
66	That representatives be selected by J block prisoners and paid for their work	Committee representatives are elected by their peers. Reps are not paid additionally to their normal earnings. Role as representative is not full time and should be voluntary.	Accepted Completed
67	That an NTCS Directive mandating the existence of the committee/ representative structure and setting out its functions and processes be developed within one year of the release of this report.	Directive completed.	Accepted Completed