**No. 301**

**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.

1. **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) |

1. **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.

1. **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.

1. **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

1. **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.